CLERK'S COPY.

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

No. 247.

JOSEPH NAGANAB, APPELLANT,

vs.

ETHAN ALLEN HITCHCOCK, SECRETARY OF THE INTERIOR.

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

FILED APRIL 29, 1905.

(19,735.)

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DD & DIETWEILER (INC.), PRINTERS, WASHINGTON, D. C., DECEMBER 15, 1905.

In the Court of Appeals of the District of Columbia.

JOSEPH NAGANAB, Appellant,
vs.
ETHAN ALLEN HITCHCOCK, Secretary of the Interior. } No. 1465.

Supreme Court of the District of Columbia.

OSEPH NAGANAB, Complainant,
vs.
N ALLEN HITCHCOCK, Secretary of the Interior, Defendant. } No. 24330. In Equity.

D STATES OF AMERICA, } *ss:*
District of Columbia, }

it remembered, that in the supreme court of the District of bia, at the city of Washington, in said District, at the times after mentioned, the following papers were filed and pro- gs had, in the above-entitled cause, to wit:—

Bill.

Filed November 28, 1903.

In the Supreme Court of the District of Columbia.

JOSEPH NAGANAB, Complainant,
vs.
HAN ALLEN HITCHCOCK, Secretary of the Interior, Defendant. } Eq. No. 24330.

e complainant Joseph Naganab brings this suit against the dant Ethan Allen Hitchcock, Secretary of the Interior, and as follows:

That the complainant herein Joseph Naganab is a citizen of nited States is a member of the band and tribe of Chippewa ns of the State of Minnesota and is chief of the band or tribe d Indians formerly occupying the Fon du Lac reservation; and brings this suit in the name of and for the benefit of himself and all the other members of the bands and tribes of Chippewa Indians of the State of Minnesota, many of whom tizens of the United States.

That the defendant, Ethan Allen Hitchcock is Secretary of the ior and this action is brought against him as such.

That the complainant and the said band of Indians to which

he belongs have always resided in the State of Minnesota and kept up and maintained their tribal and band relations as Indian bands and tribes and have occupied and owned the lands and reservations in said State hereinafter mentioned and more fully described, up to the time when, under an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota; approved January 14, 1889, this complainant with the other members of his band and tribe ceded, relinquished and conveyed to the United States of America all of certain of said reservations and certain parts of others hereinafter more fully described, according to the provisions of said act of Congress; and that this complainant signed and executed one of the written reliquishments and conveyances hereinafter set out.

That in and pursuant to the said act of Congress the President of the United States on February 26, 1889, appointed commissioners, to-wit, Henry M. Rice of Minnesota; Martin Marty of Dakota and Joseph B. Whiting of Wisconsin, to negotiate with the said Chippewa Indians. That thereafter and during the year 1889 the said commissioners organized and proceeded to negotiate with the various bands and tribes of Chippewa Indians of the State of Minnesota for a cession, relinquishment and conveyance to the United States of America the said reservations in said act mentioned; such negotiations were made with the following Indian bands of the said Chippewa Indians in the State of Minnesota, viz.,

A. The Red Lake bands,

B. The Pembina bands on White Earth reservation,

C. Mississippi Chippewa Indians, White Earth reservation,

D. Mississippi Chippewa Indians, White Oak Point bands,

E. Mississippi Chippewa Indians, Mille Lac bands,

F-H. Pillager bands on Leech lake, Cass lake and Lake Winnibigoshish reservations,

G. Pillager bands, Ottertail bands, White Earth reservation,

I. Chippewa Indians of Grand Portage reservation,

K. Chippewa Indians of Fon du Lac reservation,

L. Boise Fort and Deer Creek Chippewa Indians.

That a copy of each of said cessions, relinquishments and conveyances is as follows,—

3 "A."

"Signature Rolls Red Lake Bands of Chippewa Indians, Minnesota."

"We, the undersigned, being male adult Indians over eighteen years of age, of the tribes or bands of Chippewa Indians occupying and belonging to the Red Lake reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted and thoroughly explained to our understanding, the act of Congress approved January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota"

(public No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby consent to and accept and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title and interest in and to all and so much of said Red Lake reservation as is not embraced in the following described boundaries, to-wit:

Commencing at the point on Thief river where the same crosses the line between Marshall and Polk counties, thence easterly to the most northwesterly point of the upper Red lake, thence easterly along the *the* northern shore of said upper Red lake to a point due north of a point one mile east of the easterly end of the lower Red lake, thence due south to the last named point, thence southwesterly in a straight line to a point on Hay creek one mile from where said creek enters lower Red lake, thence south to a point from which a line extending west passes midway between what is called the big marsh and the sugar bush north of and nearest the said marsh, said sugar bush being on the Red lake and White Earth road; thence west along said line between said marsh and sugar bush to Clearwater river, said line being supposed to be about six miles south of the lower Red lake; thence northwesterly along said Clearwater river to the point where said river crosses the boundary of Red Lake reservation as the same has heretofore existed, thence along said reservation line to the place of beginning, as designated by a map published in 1888 by Rand, McNally & Co., of Chicago, Ill., (but all waterways within the reservation above described are to be free for commercial purposes to all citizens of the United States), for the purposes and upon the terms stated in said act, which said lands embraced within the foregoing boundaries have been reserved by the commissioners appointed under said act, and as therein — sions — for the purpose of making and filling the allotments therein provided for.

Witness our hands and seals hereto subscribed and affixed
4 at Old Red Lake agency, on the Red Lake reservation, in the State of Minnesota, this 8th day of July, 1889.

HENRY M. RICE. [SEAL.]
JOSEPH B. WHITING. [SEAL.]
Commissioners.

B. P. SHULER,
United State Indian Agent.
W. C. HUBBELL,
Secretary to Commission."

Then follows the signatures of 247 male adult Indians of the Red Lake reservation.

"We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Red Lake reservation

whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
M. C. ENGLISH,
Interpreter.

JOHN ENGLISH.
H. H. BEAULIEU.
Red Lake Reservation, Minn., July 8, 1889.

We do hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

A. R. JOURDAN.
J. E. PERRAULT.

G. A. MORRISON.
ROBERT FAIRBANKS.
W. R. SPEARS.
Red Lake Reservation, Minn., July 8, 1889."

"EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Red Lake bands of Chippewa Indians in the State of Minnesota under and — pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' wherein it is also provided, 'That all agreements therefor shall be approved by the President of the United States before taking effect,' is hereby approved.

BENJ. HARRISON."

5 "B."

"*Signature Rolls Pembina Bands of Chippewa Indians, White Earth Reservation, Minn.*"

"We, the undersigned, being male adult Indians, over eighteen years of age, of the Pembina tribe or band of Chippewa Indians, occupying and belonging to the White Earth reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted and thoroughly explained and declared that we have heard read, interpreted and thoroughly explained to our understanding the act of Congress approved January 14 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (public No. 13) which said act is embodied in the foregoing instrument, and, after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions, thereof, and do hereby grant, cede, relinquish and convey to the United States all our right, title and interest in and to all and so much of said Red Lake reservation as is not embraced in the following described boundaries, to-wit:

Commencing at the point on Thief river where the same crosses

the line between Marshall and Polk counties thence easterly to the most northwesterly point of the upper Red lake, thence easterly along the northerly shore of said upper Red lake to a point due north of a point one mile east from the easterly end of the lower Red lake, thence due south to the last named point, thence southwesterly in a straight line to a point on Hay creek one mile from where said creek enters the lower Red lake, thence south to a point from which a line extending west passed midway between what is called the 'big marsh' and the sugar bush north of and nearest to said marsh, said sugar bush being on the Red Lake and White Earth road; thence west along said line between said marsh and sugar bush to Clearwater river, said line being supposed to be about six miles south of the lower Red lake; thence northwesterly along said Clearwater river to the point where said river crosses the boundary of Red Lake reservation as the same has heretofore existed, thence along said reservation line to the place of beginning, as designated on a map published in 1888 by Rand McNally & Co., of Chicago, Ill., (but all waterways within the reservation above described are to be free for commercial purposes to all citizens of the United States) for the purposes and upon the terms stated in said act, which said lands embraced within the foregoing boundaries have been reserved by the commissioners appointed under said act and as therein authorized for the purpose of making and filling the allotments therein provided for.

6 Witness our hands and seals hereto subscribed and affixed at the White Earth reservation, in the State of Minnesota, this 29th day of July, 1889.

[SEAL.] HENRY M. RICE
[SEAL.] JOSEPH B. WHITING,
Commissioners.

B. P. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Secretary to Commission."

Then follows the signatures of 77 male adult Indians of the Pembina band of Chippewa Indians on the White Earth reservation.

"We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Pembina tribe or band of Chippewa Indians occupying the White Earth reservation whose names are subscribed and affixed thereto and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
WM. V. WARD,
United States Interpreter.
Interpreters.

C. H. BEAULIEU, Sr.
H. H. BEAULIEU.
J. E. PERRAULT.
White Earth reservation, Minn., July 29, 1889.

We hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

JOSEPH HOLE IN THE DAY.
WILLIAM F. CAMBELL.
THEO. H. BEAULIEU.

White Earth reservation, Minn., July 29, 1889.

EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Pembina tribe of Chippewa Indians occupying or belonging to the White Earth reservation in the State of Minnesota under and in pursuant of the act of Congress of January 14, 1889 entitled 'An act for the relief and civilization of the Chippewa Indians of the State of Minnesota' wherein it is also provided 'that all agreements therefor shall be approved by the President of the United States before taking effect' is hereby approved.

7 "C."

Signature Rolls Mississippi Chippewa Indians, White Earth Reservation, Minn.

We, the undersigned being male and adult Indians over eighteen years of age of the tribes and bands of Chippewa Indians occupying and belonging to the White Earth reservation in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted and thoroughly explained to our understanding the act of Congress approved January 14, 1889, of which the following is a copy, to-wit,"

Here follows verbatim the act of Congress above mentioned.

"And after such explanation and understanding have consented and agreed to said act and have accepted and ratified the same and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish and convey to the United States all our right title and interest in and to all and so much of said White Earth reservation as is not embraced in the following described boundaries, to-wit, townships 141 and 142 of range 37; townships 141, 142, 143, 144, 145, 146 of range 38; townships 141, 142, 143, 144, 145, 146 of range 39; townships 141, 142, 143, 144, 145, 146 of range 40; townships 141, 142, 143, 144, 145, 146 of range 41; townships 141, 142, 143, 144, 145, 146 of range 42; for the purposes and upon the terms stated in said act, which said land embraced within said boundaries have been reserved by the commissioners appointed under said act, and as therein authorized for the purposes of making and filling the allotments therein provided for; and we do also hereby grant, cede and relinquish to the United States, for the purposes and upon the terms stated in said act, all our right, title and interest in and to the lands reserved by us and

described in the first article (ending with the words 'to the place of beginning') of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., page 719), and also to the executive addition thereto made and described in an executive order dated October 29, 1873; and we do also hereby cede and relinquish to the United States all our right, title and interest in and to all and so much of the Red Lake reservations as is not required and reserved under the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at the White Earth agency in the State of Minnesota this 29th of July, 1889.

[SEAL.]
[SEAL.]

HENRY M. RICE,
JOSEPH B. WHITING,
Commissioners.

B. P. SHEELER,
United States Indian Agent.
WILLIAM C. HUBBELL,
Secretary of the Commiss'n."

8 Then follows the signatures of 273 male adult Indians of the White Earth Chippewas; and the signatures of *of* 54 male adult Indians of the Gull Lake band of Chippewa Indians residing on White Earth reservation.

"We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Comm.,
WILLIAM V. WARD,
United States Interpreter,
Interpreters.

C. H. BEAULIEU, SR.
H. H. BEAULIEU.
J. E. PERRAULT.

White Earth agency, July 29, 1889.

We hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

JOSEPH HOLE IN THE DAY.
WM. F. CAMPBELL.
THEO. H. BEAULIEU.

White Earth agency, Minn., July 29, 1889.

EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the tribes and bands of Chippewa Indians occupying and belonging to the White Earth reservation, in the State of Minnesota under and — pursuance to the act of Congress of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' wherein it is also provided 'that all agreements therefor shall be approved by the President of the United States before taking effect,' is hereby approved.

BENJ. HARRISON."

"D."

"*Signature Rolls Mississippi Indians, White Oake Point Bands, Minnesota.*

We the undersigned being male and adult Indians over eighteen years of age of the White Oak Point band of Chippewas of the Mississippi, occupying and belonging to the reservation established by executive order, dated October 29, 1873, as an addition to the reservation provided for by the first article of the treaty with the
9 Chippewas of the Mississippi, proclaimed April 18, 1867, (16 Stat. 719) do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota (public No. 13), which said act is modified in the foregoing instrument, and after such explanation and understanding have consented and agreed to said act and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title and interest in and to all and so much of the White Earth reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms specified in said act; and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title and interest in and to the lands reserved by us and described in the first article (ending with the words 'to the place of beginning') of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat. p. 719), and also to the aforesaid executive addition thereto, made and described in an executive order dated October 19, 1873, and we also hereby cede and relinquish to the United States all our right, title and interest in and to all and so much of the Red Lake reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at White Oak Point and State of Minnesota, this 6th day of September, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] JOSEPH B. WHITING,
Commissioners."

Then follow the signatures of 172 male adult Indians of the Mississippi Chippewa Indians, White Oak Point band, Minnesota.

"We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
C. H. BEAULIEU,
Interpreter.

HENRY MARTIN.
WILLIAM BOUYA.

White Oak Point Minn., September 6, 1889."

"We hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

P. H. SHULER,
United States Indian Agent.
WILLIAM C. HUBBELL,
Secretary to Commission.

H. H. BEAULIEU.
G. A. MORRISON.
THEO. H. BEAULIEU.

White Oak Point, September 6, 1889."

"EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing, negotiated with the White Oak band of Chippewa Indians, in the State of Minnesota, under and in pursuance to an act of Congress of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' wherein it is also provided, 'That all agreements therefore shall be approved by the President of the United States before taking effect' is hereby approved.

BENJ. HARRISON."

"E."

"*Signature Rolls, Mississippi Chippewa Indians, Mille Lac Bands.*

We, the undersigned being male adult Indians over eighteen years of age of the Mille Lac band of Chippewas of the Mississippi, occupying and belonging to the Mille Lac reservation under and by

virtue of a clause in the 12th article of the treaty of May 7, 1864 (13 Stat., page 693,) do hereby certify and declare that we have heard read, interpreted and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' (pub. No. 13) which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby and consent to and ratify the said act, and each and all of the provisions thereof and do hereby grant, cede, relinquish and convey to the United States all our right, title and interest in and to all and so much of the White Earth reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments in quantity and manner therein provided for the purposes and upon the terms stated in said act; and we do also hereby grant, cede and relinquish to the United States for the purpose and upon the terms stated in said act all our right title, and interest in
11 and to the lands reserved by us and described in the first article (ending with the words, 'to the place of beginning') of the treaty with the Chippewas of the Mississippi proclaimed April 18, 1867, (16 Stat. page 719), and also to the aforesaid executive addition thereto made and described in executive order dated October 19, 1873; and we do also hereby cede and relinquish to the United States all our right title and interest in and to all and so much of the Red Lake reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments to the Red Lake Indians, in quantity and manner as therein provided; and we do also hereby forever relinquish to the United States the right of occupancy on the Mille Lac reservation reserved to us by the 12th article of the treaty of May 7th, 1864, (13 Stat. page 693).

Witness our hands and seals hereto subscribed and affixed at Mille Lacs in the State of Minnesota this 5th day of October, 1889.

[SEAL.] HENRY M. RICE,
JOSEPH R. WHITING,
Commissioners."

Then follow the signatures of 189 male adult Indians of the Mille Lac band of Chippewas of the Mississippi.

"We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.

E. H. BEAULIEU,
ALLEN GOURDAN,
Interpreters.

Mille Lac Minn., October 5, 1889.

We hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

E. P. SHULER,
United States Indian Agent.
WILLIAM C. HUBBELL,
Secretary to the Commission.

H. H. BEAULIEU.
H. A. MORRISON.
THEO. BEAULIEU.
Mille Lac, October 5, 1889.

12 EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Mille Lac band of Chippewa Indians in the State of Minnesota under and pursuant of the act of Congress of January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' wherein it is also provided 'That all agreements therefor shall be approved by the President of the United States before taking effect,' is hereby approved.

BENJ. HARRISON."

"F.–H."

Signature Rolls Pillager Band of Chippewa Indians, Leech Lake, Cass Lake, and Lake Winibigoshish Reservation, Minnesota.

We the undersigned being male adult Indians over eighteen years of age of the Pillager and Lake Winibigoshish bands of Chippewa Indians residing upon the Leech Lake, Lake Winibigoshish and Cass Lake reservations in the State of Minnesota, do hereby certify and declare that we have heard read and interpreted and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled 'An act for the relief of the Chippewa Indians in the State of Minnesota' (public No. 13), which said act is embodied in the foregoing instrument, and after such explanations and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all the provisions thereof and do hereby grant, cede and relinquish and convey to the United States for the purposes and upon the terms stated in said act, all our right title and interest in and to the land reserved and set apart for the Pillager and Lake Winibigoshish bands by the treaty of February 22, 1855 (10 Stat. page 1165), and particularly described in executive order dated December 4, 1873, as follows: to-wit,—

"Beginning at the mouth of the Little Boy river; thence up *send* river through the first lake to the southern extremity of the second lake on said river; thence in a direct line to the most southern point of Leech lake, and thence through said lake so as to include all the islands therein, to the place of beginning," and also to the two other

separate tracks reserved and set apart for said Pillager and Lake Winigigoshish bands, by the second article of said treaty and as therein described and also to the executive addition thereto made and described in an executive order dated May 26, 1874; and we do also hereby cede and relinquish to the United States all our right and title and interest in and to so much of the Red Lake reservation as is not required and reserved under the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

13 Witness our hands and seals hereto subscribed and affixed at the Leech Lake agency in Minnesota this 21st day of August, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] MARTIN MARTY,
[SEAL.] JOSEPH B. WHITING,
Commissioners.

Then follow the names of 466 male adult Indians of the Pillager and Lake Winibigoshish bands of Chippewa Indians residing upon the Leech Lake, Lake Winibigoshish and Cass Lake reservations, Minn.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of Leech lake, Cass lake and Lake Winibigoshish, whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
HENRY MARTIN,
United States Interpreter.

H. H. BEAULIEU.
THE. H. BEAULIEU.
WILLIAM BONGA.

Leech Lake August 21st, 1889.

We hereby certify that we were present and witnessed the signatures of the Indians to the foregoing instrument.

B. P. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Interpreter to the Commission.

ALOYSIUS HERMANUTZ, O. S. V.
Missionary.

G. A. MORRISON.

Leech Lake, August 21st, 1889.

EXECUTIVE MANSION, *March 4*, 1890.

This instrument in writing negotiated with the Pillager and Lake Winibigoshish bands of Chippewa Indians, residing on the Leech Lake, Lake Winibigoshish and Cass, Lake reservations in the State of Minnesota under and in pursuance of the act of Congress of January 14, 1889 entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' wherein it is also provided, 'That all agreements therefor shall be approved by the President of the United States before taking effect,' is hereby approved.

BENJ. HARRISON."

14 "G."

Signature Rolls Pillager Bands of Chippewa Indians, Ottertail Bands, White Earth Reservation, Minnesota.

We the undersigned being male adult Indians over eighteen years of age, of the tribe or band of Ottertail Chippewa Indians occupying and belong- to the White Earth reservation in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' (pub. No. 13), which said act is embodied in the foregoing instrument and after such explanation and understanding have consented and agreed to said act and have accepted and ratified the said act and each and all the provisions thereof and do hereby grant, cede, relinquish and convey to the United States, all our right title and interest in and to all and so much of said White Earth reservation as is not embraced in the following described boundaries, to-wit:

Townships 141 and 142 of range 37; townships 141, 142, 143, 144, 145, 146, of range 38; townships 141, 142, 143, 144, 145, 146 of range 39; townships 141, 142, 143, 144, 145, 146 of range 40; townships 141, 142, 143, 144, 145, 146 of range 41; townships 141, 142, 143, 144, 145, 146 of range 42; for the purposes and upon the terms stated in said act, which said lands embraced within said boundaries have been reserved by the commissioners appointed under said act, and as therein authorized for the purpose of making and filling the allotments therein provided for, and we do hereby grant, cede and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title and interest in and to the lands reserved by us and described in the first article, (ending with the words, 'to the place of beginning'), of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat. 719), and also *the to* executive addition thereto made and described in the executive order dated October 29, 1873; and we do also hereby cede and relinquish to the United States all our right title and interest in and to all and so much of the Red Lake reservation as is not required and reserved under the provisions of said act to make and fill allotments

to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at the White Earth agency in the State of Minnesota, this 29th day of July, 1889.

HENRY M. RICE, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

B. P. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Secretary to the Commission."

15 Then follow the signatures of 59 male adult Indians of the White Earth, Ottertail Chippewa Indians; and 144 of the Ottertail Chippewa Indians.

"We do hereby certify that the foregoing instrument was fully interpreted and explained to the Ottertail Chippewa Indians occupying the White Earth reservation whose names are subscribed and affixed thereto and that we were present and witnessed the signature of each.

C. H. BEAULIEU,
Interpreter to Commission.
WM. V. WARD,
United States Interpreter,
Interpreters.

C. H. BEAULIEU, SR.
H. H. BEAULIEU.
J. E. PERRAULT.

White Earth agency, Minn., July 29, 1889."

"We hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

JOSEPH HOLE IN THE DAY.
WM F. CAMPBELL.
THEO. H. BEAULIEU.
D. A. MORRISON.

White Earth agency, July 29, 1889.

EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Ottertail band of Indians occupying and belonging to the White Earth reservation in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' wherein it is also provided 'that all agreements therefor shall be approved by the President of the United States, before taking effect,' is hereby approved.

BENJ. HARRISON."

"I."

Agreement with Chippewa Indians of Grand Portage Reservation, with Signatures.

We the undersigned being male adult Indians over eighteen years of age of the tribes or bands of Chippewa Indians occupying or belonging to the Grand Portage reservation in the State of Minnesota do hereby certify and declare that we have heard read and
16 thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians of the State of Minnesota' (pub. No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same and do hereby accept and consent to and ratify the said act and all of the provisions thereof and do hereby grant, cede, relinquish and convey to the United States, all our right, title and interest in and to the Grand Portage reservation in the State of Minnesota; and we do also hereby cede and relinquish to the United States all title and interest we may have in and to all and so much of the Red Lake reservation as is not required and reserved under and in accordance with the provisions of the said act to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at Grand Portage, on the Grand Portage reservation in the State of Minnesota, this 24th day of October, 1889.

MARTIN MARTY, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners."

Then follows the signature- of 72 adult Indians over 18 years of age of the tribe of Chippewa Indians occupying the Grand Portage reservation .

"We do hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Grand Portage reservation whose names are subscribed and affixed thereto and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter of the Commission.
JOHN MORRISON,
Interpreter.

Grand Portage reservation, Minn., October 24, 1889."

"We do hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

G. A. MORRISON,
PETER DUFAULD.

W. C. HUBBELL,
Secretary to the Commission.

Grand Portage reservation, Minn., October 24, 1889.

17 "EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Grand Portage bands of Chippewa Indians in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' wherein it is also provided, 'That all agreements therefor shall be approved by the President of the United States, before taking effect,' is hereby approved.

BENJ. HARRISON."

"K."

"*Agreement with Chippewa Indians of Fon du Lac Reservation, with Signatures.*

"We the undersigned being male adult Indians over eighteen years of age of the tribes or bands of Chippewa Indians occupying or belonging to the Fon du Lac reservation in the State of Minnesota do hereby certify and declare that we have heard read, interpreted and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' (pub. No. 13) which said act is embodied in the foregoing instrument and after such explanation and understanding have consented and agreed to said act and have accepted and ratified the same and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede and relinquish to the United States all right, title and interest in and to the said Fon du Lac reservation in the State of Minnesota; and we do also hereby cede and relinquish to the United States all right, title and interest that we may have in and to all and so much of the Red Lake reservation as is not required and reserved under and in accordance with the provisions of the said act to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed, at the school house on the Fon du Lac reservation in the State of Minnesota this 21st day of November, 1889.

HENRY M. RICE, [SEAL.]
MARTIN MARTY, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

Then follows the signatures of 123 male adult Indians of the Fon du Lac reservation.

"We do hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Fon du Lac
18 reservation whose names were subscribed and affixed thereto and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
JOHN MORRISON, *Interpreters.*

FRANK BLATCHFORD,
United States Interpreter.
J. A. I. COFFEY.

Fon du lac reservation, Minn., November 21st, 1889.

"We do hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

R. G. RODMAN, JR.,
Chief Clerk La Pointe Agency.
G. A. MORRISON.

M. A. LEEHY,
United States Indian Agent.
W C. HUBBELL,
Secretary to the Commission.
PETER DUFAULD.

Fon du lac reservation, Minn., April 21, 1889."

"EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the band of Chippewa Indians occupying and belonging to the Fon du Lac reservation in the State of Minesota, under and in pursuance of the act of Congress of January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians, in the State of Minnesota,' wherein it is also provided, 'That all agreements therefor shall be approved by the President of the United States before taking effect,' is hereby approved.

BENJ. HARRISON."

"L."

"Agreement with the Boise Fort and Deer Creek Chippewa Indians, with Signatures."

"We the undersigned being male adult Indians over eighteen years of age of the tribes or bands of Chippewa Indians occupying and belonging to Boise Fort and Deer Creek reservations in the State of Minnesota, do hereby certify and declare that we have heard

read, interpreted and thoroughly explained to our understanding, the act of Congress approved, January 14, 1889, entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (pub. No. 13), which said act is embodied in the
19 foregoing instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede and relinquish and convey to the United States all our right title and interest in and to the said Boise Fort and Deer Creek reservations, in the State of Minnesota, and we do hereby cede and relinquish to the United States all right, title and interest that we may have in and to all and so much of the Red Lake reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments to the Red Lake Indians in the quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at the school house on the Vermillion reservation in the State of Minnesota this 12th day of November, 1889.

MARTIN MARTY. [SEAL.]
JOSEPH B. WHITING. [SEAL.]"

Then follows the signatures of 212 male adult Indians of the tribe of Chippewa Indians belonging to the Boise Fort reservation, and to the Deer Creek reservation.

"We hereby certify the foregoing instrument was fully interpreted and explained to the Indians, of the Boise Fort and Deer Creek reservations, whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
JOHN MORRISON,
Interpreter.

Vermillion reservation, Minn., Nov. 12, 1889.

We do hereby certify that we were present and witnessed the signatures of the above named Indians to the foregoing instrument.

D. A. MORRISON.
PETER DUFAULD.

W. C. HUBBELL,
Secretary to the Commission.

Vermillion reservation, Minn., Nov. 12, 1889."

"EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Boise Fort band of Chippewa Indians occupying and belonging to the Boise Fort and

Deer Creek reservations in the State of Minnesota under and in pursuance of the act of Congress of January 14, 1889, entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, wherein it is also provided, 'That all agreements thereof shall be approved by the President of the United States before taking effect' is hereby approved.

BENJ. HARRISON."

4. Said act provided, among other things, that to complete the extinguishment of the right and title of the said bands and tribes to the said Indian lands that the conveyances thereof should be approved by the President of the United States; and after all such negotiations and proceedings and conveyances to the United States, the Secretary of the Interior made formal report thereof to the President of the United States, and the President of the United States approved the same. His approval thereof is in words and figures as follows, viz:—

"To the Senate and House of Representatives:

In pursuance of the authority and direction contained in the act of Congress approved January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' three commissioners were appointed by the President on February 26, 1889, as therein authorized and directed, namely: Henry M. Rice of Minnesota, Martin Marty of Dakota, and Joseph B. Whiting of Wisconsin, to negotiate with said Indians.

The commissioners have submitted their final report with accompanying papers showing the results of negotiations conducted by them and the same has been carefully reviewed by the Secretary of the Interior in his report to me thereon.

Being satisfied from the examination of the papers submitted that the cession and relinquishment by said Chippewa Indians of their title and interest in the lands specified and described in the agreement with the different bands or tribes of Chippewa Indians in the State of Minnesota was obtained in the manner prescribed in the first section of said act, and that more than the requisite number have signed said agreement, I have, as provided by said act, approved the said instruments in writing constituting the agreement entered into by the commissioners with said Indians.

The commissioners did not escape the embarrassment which too often attends negotiations with Indians, viz: an indisposition to treat with the Government for further concessions while its obligations incurred in former agreements are unkept. I am sure it will be the disposition of Congress to consider promptly and in a just and friendly spirit, the claims presented by these Indians to our commissioners, which have been formulated in the draft of a bill prepared by the Secretary of the Interior and submitted herewith.

The act of January 14, 1889, (25 U. S. Stat. 612) evidently contemplated the voluntary removal of the body of all these bands of Indians to the White Earth and Red Lake reservations; but a pre-

viso in section three of the act authorized any Indian to take his allotment upon the reservation where he now resides. The
21 commissioners report that quite a general desire was expressed by the Indians to avail themselves of this option. The result of this is that the ceded land cannot be ascertained and brought to sale under the act until all of the allotments are made.

I recommend that the necessary appropriation to complete the surveys and allotments be made at once available, so that the work may be begun and completed at the earliest possible day.

A copy of the report made by the commissioners with copies of all of the papers submitted therewith, except the census rolls is herewith presented for the information of the Congress.

BENJ. HARRISON.

Executive Mantion, March 4, 1890."

That by virtue of the said act and of the proceedings thereunder and the said cessions, relinquishments and conveyances and approval aforesaid the Chippewa Indians of the State of Minnesota aforesaid conveyed to the United States of America upwards of 3,555,771 acres, constituting the Boise Fort reservation of 107,509 acres, the Deer Creek reservation of 23,040 acres, the Fon du Lac reservation of 92,346 acres, the Grand Portage reservation of 51,840 acres, the Leech Lake reservation of 94,440 acres, the Mille Lac reservation of 61,014 acres, the Vermillion Lake reservation of 1,080 acres, the Winibigoshish, Cass Lake and White Oak Point reservations of 329,000 acres, a part of the Red Lake reservation of 2,500,000 acres, a part of the White Earth reservation of 92,160 acres.

All of these lands and reservations so conveyed were then held by the United States in trust, not absolute, however. That all of the relinquishments, cessions and conveyances were in trust for the purpose and upon the conditions stated and expressed in said act. That thereafter and pursuant to the provisions of the said act of Congress and in the execution of the said trust the Secretary of the Interior proceeded to examine and classify the said lands as in said act required and that approximately 1500,000 acres thereof were classified as pine land and 1,855,000 were classified agricultural land —600,000 acres of the lands classified under said act as pine lands were situated in that part of the said ceded and conveyed lands known as the following reservations, to-wit; Chippewas of the Mississippi, Leech Lake, Cass Lake and Lake Winnibigoshish. That upon said last mentioned area there was and is standing and growing a large amount of merchantable pine timber reasonably worth in its present condition and of the value of ten million dollars. That the value of the land classified as agricultural land- which were to be sold under said act was $1.25 per acre, the total value of the same being accordingly $2,318,750.00.

It was and is the right of the complainant and of the said Chippewa Indians to have the said trust further and completely executed.

The terms and conditions of said trust are stated in sections five six and seven of the said act and are as follows:

22 SECTION 5. "That after the survey, examination and appraisal of said pine lands has been fully complete- they should be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office shall cause notices to be inserted once each week for four successive weeks in one newspaper of general circulation published in Minneapolis, St. Paul, Duluth, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia, and Williamsport, Pennsylvania; and Boston, Massachusetts, of the sale of said lands at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of said sale. That at such sale said land will be offered in forty acre parcels except in case of fractions containing either more or less than forty acres which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value for same upon application at the local land office.

SECTION 6. That when any of the agricultural lands on said reservation not allotted under this act, nor reserved for the future use of said Indians have been surveyed, the Secretary of the Interior shall give thirty days' notice through at least one newspaper published at St. Paul and Crookston in the State of Minnesota, and at the expiration of thirty days the said agricultural lands so surveyed shall be disposed of by the United States to actual settlers only under the provisions of the homestead law; provided, that each settler under and in accordance with the provision of said homestead laws shall pay to the United States for the lands so taken by him the sum of $1.25 for each and every acre, in five equal annual payments and shall be entitled to a patent therefor only at the expiration of five years from the date of entry, according to said homestead laws, and after the full payment of said $1.25 per acre therefor and due proof of occupancy for said period of five years; and any conveyance of said land so taken as a homestead, or any contract touching the same prior to the date of final entry shall be null and void; provided, that nothing in this act shall be held to authorize the sale or other disposal under its provision of any tract upon which there is a subsisting, valid, pre-emption, or homestead entry, but any such entry shall be proceeded with under the regulations and decisions in force at the time of its allowance and if found regular and valid patent will issue thereon; provided, that any person who has not therefor had the benefit of a homestead or pre-emption law and has failed for any cause to perfect the title to a tract of land heretofore entered by him under either of said laws may make a second homestead entry under the provisions of this act.

SECTION 7. That all money accruing from the disposal of said

lands in conformity with the provisions of this act shall after
23 deducting all the expenses of making the census, of obtaining the session and relinquishment, of making the removal and allotments and of completing the surveys and appraisals in this act provided, be placed in the Treasury of the United States, to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of five per centum per annum, payable annually for the period of fifty years after the allotments provided for in this act shall be made, and which interest and permanent — shall be expended for the benefit of said Indians in the manner following: One-half of the said interest shall during the said period of fifty years, except in cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall during the same period and with like exception be annually paid in cash in equal shares *per capita* to all other classes of said Indians; and the remaining one-fourth of said interest shall during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years the said permanent fund shall be devided and paid to all of said Chippewa Indians and their issue then living in cash, in equal shares: Provided, that Congress may in its discretion from time to time during the said period of fifty years appropriate for the purpose of promoting civilization and self-support among the said Indians a portion of the said principal sum, not exceeding five per centum thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of nine dollars annually counting from the time when the removal and allotments provided for in this act shall have been made until such time as said permanent fund exclusive of the deductions hereinbefore provided for shall equal or exceed the sum of three million dollars, less any actual interest that may in the meantime accrue from the accumulations of said permanent fund; the payments of such interests to be made yearly in advance, and, in the discretion of the — Interior may, as to three-fourths thereof during the first five years be expended in procuring live stock teams, farming implements and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest in cash; and whenever said permanent fund shall exceed the sum of three million dollars, the said United States *a* shall be fully reimbursed out of such excess for all the advances of interest made as herein contemplated and other expenses hereunder."

5. That up to June 27, 1902, when Congress enacted an act entitled, "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians of the State of Minnesota' approved January 14, 1889," said trust was only partially executed, in

as much as only part of the agricultural lands had been dis-
24 posed of under said act of January 14, 1889, and only part of the pine land had been disposed of. That among the pine lands yet remaining undisposed of is all the pine land upon the following named reservations, viz., the Chippewas of the Mississippi, Leech Lake, Cass Lake and Winigiboshish, upon which there is approximately 600,000 acres of pine lands and 200,000 acres of agricultural land; which said agricultural lands are worth $1.25 per acre; for disposal in pursuance of said trust, and the said pine lands are worth upwards of ten million dollars, to be disposed of in pursuance to said trust. That without the consent of the Chippewa Indians of Minnesota, or any of them and in derrogation of their rights and in contravention of the terms of the trust the said act of Congress, entitled, An act to amend an act entitled, 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota' was passed. That said last named act provided among other things as follows, to-wit:

"That in cutting the timber on two hundred thousand acres of the pine lands to be selected as soon as practicable by the forester — Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to-wit: Chippewas of the Mississippi, Leech Lake, Cass Lake and Winibigoshish which said lands so selected shall be known and hereinafter described as 'forestry lands' the purchaser shall be required to leave standing five per centum of the pine timber thereon for the purpose of re-forestation as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the forester of the Department of Agriculture and approved by the Secretary of the Interior; provided further that there shall be reserved from the sale or settlement the timber and land on the islands in Cass lake and in Leech lake, and not less than one hundred and sixty acres at the extremity of Sugar Point on Leech lake, and the peninsular known as Pine Point, on which the new Leech Lake agency is now located, which penisula approximates seven thousand acres and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the forester of the Department of Agriculture, with approval of the Secretary of the Interior, in lots of not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lake- and the land reserved at Sugar Point and Pine Point peninsula shall remain as Indian land under control of the Department of the Interior."

6. That one of the purposes and objects of the said last named act is to authorize the setting aside of about 300,000 acres of pine land as a perpetual forest reserve and to so restrict the sale of the remaining timber on said reservations as to make the same of no value to said Indians. That the said act is in violation of the said trust

under which all of the said lands were conveyed to the
25 United States. That your complainant with all the other Chippewa Indians in the State of Minnesota had at the passage of the last named act, and still have a vested and indefeasible interest in the execution of said trust and the funds to be derived from such execution, which interest was and is valuable property. That said last named act is not only in violation of the said trust but is in direct conflict and violation of article five of the Constitution of the United States, in this, that it deprives the complainant, and each and all of the Chippewa Indians of the State of Minnesota of their property, without compensation, and without due process of law and the said last named act is unconstitutional and absolutely void. That notwithstanding the unconstitutionality and invalidity of said last named act, the Secretary of the Interior has proceeded and is now proceeding to carry its provisions into effect and has actually set aside and authorized the setting aside of nearly three hundred thousand acres of pine lands aforesaid as a perpetual forest reserve and refused to carry into effect the said trust, and to sell and dispose of the same as by said cession, relinquishment and conveyances of said first act required. That the value of the timber on the land so set aside under said void act as a perpetual forest reserve is at least three million dollars and the complainant and each and all of the Chippewa Indians in the State of Minnesota will suffer damage in and to that amount by the carrying into effect of the said void act. That the defendant as Secretary of the Interior in the threatened enforcement of said void act, and for the purpose of putting into effect the forestry provisions thereof has prescribed rules and regulations for the cutting of the timber and the sale thereof on about three hundred thousand acres of pine land, part of said ceded lands, contiguous and adjoining the said proposed forest reserve, a copy of which regulations is hereto attached made a part hereof and marked Exhibit 'A.' Also filed herewith and made a part hereof marked Exhibit " B " is a copy of instructions, description, and estimates for the sale of the pine timber on the Leech Lake and parts of the Chippewa of the Mississippi and Winnibigoshish Indian reservations and rules and regulations for the selling and removal of the timber, approved May 29, 1903 by the defendant herein. Also hereto attached and made a part hereof marked Exhibit " C " is a copy of instructions, description, and estimates for the sale of ninety-five per cent. of the merchantable pine timber on ceded Chippewa pine lands, Minnesota, selected for the national forest reserve, and rules and regulations for the selling and scaling of said timber, approved by the defendant August 29, 1903. That the necessary effect of carrying said rules and regulations into effect will be to reduce the saleable value of the pine timber and the amount to be realized therefrom one-fourth, amounting to more than one million dollars, all of which sum will be taken out of the trust fund aforesaid, and the same will be diminished to that extent. That said Secretary of the Interior is about to sell under said instructions, and

has advertised for sale the pine timber on approximately three
26 hundred thousand acres of said ceded lands to take place, one sale on December 5th, 1903, and the other on December 28, 1903, and unless restrained by the process of this court the defendant, as such Secretary of the Interior will sell the said pine timber at said sale under said rules and instructions under said act to the irreparable injury of the complainant and of all the Chippewa Indians in the State of Minnesota.

Premises considered your complainant prays as follows:

First. That summons issue and this court direct the defendant, Ethan Allen Hitchcock, Secretary of the Interior, requiring him to appear and answer this bill.

Second. That said defendant be temporarily enjoined from all or any further act or acts done and intended to be done in the execution of the said last named act of Congress of June 27, 1902.

Third. That said defendant be perpetually enjoined from all or any further act or acts done and intended to be done in the execution of the last named act of Congress of June 27, 1902.

Fourth. That defendant be required by decree to further and completely execute the said trust and fully account to complainant as provided in the said act of January 14, 1889.

Fifth. That the complainant herein may have — at any and all times hereafter to amend this bill in any or all such particulars as may be deemed advisable or desirable.

Sixth. For any and all such further and other relief as the complainant herein may be entitled to receive, and as the court may deem just and equitable.

The defendant to this bill is Ethan Allen Hitchcock, Secretary of the Interior, in Washington, D. C.

JOSEPH NAGANAB.

UNITED STATES OF AMERICA,
District of Columbia, } *ss:*

I, Joseph Naganab, being duly sworn, swear that I have heard read the foregoing bill of complaint, by me subscribed, and know the contents thereof, and that the matters and things therein stated as on my own personal knowledge are true and those stated on information and belief I believe to be true.

JOSEPH NAGANAB.

Signed and sworn to at Washington, D. C., this 23rd day of November, 1903, before me.

GEORGE P. CHASE,
Notary Public, District of Columbia.

[SEAL.]

TRACY L. JEFFORDS,
Solicitor for Complainant.

27 EXHIBIT "A."

Rules and regulations of the forester of the Department of Agriculture for the cutting and removal of ninety-five per cent. of the pine timber on the ceded lands of those parts of the Cass Lake and Chippewa of the Mississippi Indian reservations, Minnesota, selected for the Minnesota national forest reserve.

DEPARTMENT OF AGRICULTURE,
BUREAU OF FORESTRY,
WASHINGTON, D. C., *October* 21, 1903.

1. No tree shall be cut that is stamped with the letters "US."

2. No white pine or Norway (red) pine, ten inches and under in diameter, three feet from the ground, shall be cut for any purpose, except where absolutely unavoidable in necessary logging operations.

3. All trees shall be cut with a saw whenever practicable.

4. In no case shall the height of the stump exceed the thickness or diameter of the tree two feet above the ground.

5. No tree shall be left lodged in process of felling.

6. So far as reasonable, all branches of the logging shall keep pace with each other. In no instance will the brush piling be allowed to fall behind the cutting and removing of logs.

7. All tops and litter from trees cut under these rules must be burned so as to be safe against fire, under the supervision of the inspector of the Bureau of Forestry, and at such time as he shall select, but the burning of tops or other material larger than eight inches in diameter, or of tops or litter not made by logging under these rules, will not be required. The piles must be compact and large enough to burn clean without repiling, and must not be so near young growth or standing green trees as to endanger either of them, and must be placed where there is least danger of the fire spreading.

8. Unnecessary damage to young growth or trees left for seed must be carefully avoided.

9. As few log roads as practicable shall be cut, nor shall they be made wider than is actually necessary.

10. All merchantable pine timber in felled trees which is six inches or over at the small end shall be logged. Any such timber left in the woods shall be scaled under the direction of the superintendent of logging and paid for by the purchaser of the timber at double the regular stumpage rate.

11. The use of timber in constructing corduroys and bridges, or for road work, shall be confined, whenever possible, to unsalable material, and to dead and down timbers.

12. Merchantable pine timber used for booms, skids, dams, bridges, for building camps, or for any other purpose, shall be scaled,
28 and paid for by the purchaser of the timber at the regular stumpage rate.

13. The location of log landings, loading works on the shores of

lakes or streams, or along railroads, and of railroad side tracks, shall be subject to the approval of the inspector of the Bureau of Forestry.

14. All trees cut for booms shall be carefully measured, and the booms shall be cut in such lengths as will allow all the timber to be cut into merchantable logs.

15. The maximum length for measurement of all white pine logs shall be fifteen feet, and of all Norway pine logs shall be eighteen feet. Upon logs twenty-four inches or less in diameter two inches additional length, and upon logs over twenty-four inches in diameter, three inches additional length shall be allowed for trimming off battered and discolored timber. Longer logs shall be scaled as two or more logs.

16. The length of logs shall be so varied that all merchantable timber six inches and over at the top end shall be utilized.

17. The decision of the inspector of the Bureau of Forestry shall be final in the execution of the foregoing rules.

18. The violation of any of these rules, if persisted in, shall be deemed a sufficient cause for annulling the contract and cancelling the sale of the stumpage.

CLIFFORD PINCHOT, *Forester.*

Approved October 24, 1903.
THOS. RYAN,
Acting Secretary of the Interior.

Demurrer.

Filed January 22, 1904.

In the Supreme Court of the District of Columbia.

JOSEPH NAGANAB
vs.
ETHAN ALLEN HITCHCOCK. } No. 24530, Equity Docket No.—.

Now comes the respondent and by protestation, not confessing or acknowledging all or any of the matters and things in the complainant's bill of complaint to be true in such manner and form as the same are therein set forth and alleged, does demur to said bill of complaint upon and for the following grounds:

1. That there is a defect of parties complainant.

2. That the bill is bad in substance in that it does not set out any facts sufficient to entitle the complainant or the real party in interest, the Chippewa Indians of Minnesota, to the relief prayed for or to any relief.

29 3. That the court has no jurisdiction over the subject-matter of the suit.

FRANK L. CAMPBELL,
Solicitor for Respondent.

I hereby certify that, in my opinion, the foregoing demurrer is well founded in law.

FRANK L. CAMPBELL,
Solicitor for Respondent.

Ethan Allen Hitchcock, who as Secretary of the Interior, is made respondent in the above-entitled suit, being sworn, on oath, says that the foregoing demurrer is not interposed for delay.

ETHAN A. HITCHCOCK.

Subscribed in my presence and sworn to before me this 17th day of December, A. D. 1903.

WM. H. DE LACY,
[SEAL.] *Notary Public in and for D. C.*

Decree.

Filed June 29, 1904.

In the Supreme Court of the District of Columbia.

JOSEPH NAGANAB, Complainant,
vs.
ETHAN ALLEN HITCHCOCK, Secretary of the Interior, Defendant. } No. 24330. In Equity.

Come now the parties to this cause, by their respective solicitors, and the cause having been heretofore submitted to the court upon the demurrer of the respondent to the bill of complaint, and the same having been argued by counsel and the court being fully advised in the premises, does now consider, order and decree that said demurrer be and the same is hereby sustained; and the complainant electing to stand upon his said bill of complaint it is further considered, ordered and decreed that the bill of complaint be, and the same is hereby dismissed; that the respondent go hence without day, and that he recover from the complainant his costs to be taxed by the clerk.

Dated June 29th, 1904.

THOS. H. ANDERSON, *Justice.*

Appeal noted in open court and bond for costs to be in the penal sum of one hundred dollars or in lieu thereof a deposit of fifty dollars.

THOS. H. ANDERSON, *Justice.*

30 *Memorandum.*

July 20, 1904.—$50. deposited by complainant in lieu of appeal bond.

Stipulation as to Transcript.

Filed July 20, 1904.

In the Supreme Court of the District of Columbia, Holding Equity Court.

JOSEPH NAGANAB, Complainant,
vs.
ETHAN ALLEN HITCHCOCK, Secretary of the Interior, Defendant.
No. 24330. In Equity.

It is hereby stipulated by and between counsel for parties herein that transcript of record herein shall contain bill of complaint with Exhibit "A," demurrer and final decree. And that Exhibits "B" and "C" may be used in appeal court, if desired by either party or by the court.

TRACY L. JEFFORDS,
Sol'r for Complainant.
FRANK L. CAMPBELL,
Sol'r for Defendant.

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia,* } *ss:*

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 49, inclusive, to be a true and correct transcript of the record, as per stipulation of counsel herein filed, copy of which is made part of this transcript, in cause No. 24,330, in equity, wherein Joseph Naganab is complainant, and Ethan Allen Hitchcock, Secretary of the Interior, is defendant, as the same remains upon the files and of record in said court.

Seal Supreme Court of the District of Columbia.

In testimony whereof, I hereunto subscribe my name and affix the seal of said court, at the city of Washington, in said District, this 30th day of August, A. D. 1904.

J. R. YOUNG, *Clerk,*
By ALF. G. BUHRMAN, *Ass't Cl'k.*

Endorsed on cover: District of Columbia supreme court. No. 1465. Joseph Naganab, appellant, *vs.* Ethan Allen Hitchcock, Secretary of the Interior. Court of Appeals, District of Columbia. Filed Sep. 3, 1904. Henry W. Hodges, clerk.

31 WEDNESDAY, *February 15th, A. D.* 1905.

JOSEPH NAGANAB, Appellant,
vs.
ETHAN ALLEN HITCHCOCK, Secretary of the Interior. } No. 1465.

The above entitled cause was submitted to the consideration of the court on the printed record and briefs filed herein by Mr. Tracy L. Jeffords, attorney for the appellant, and by Messrs. F. L. Campbell and W. C. Pollock, attorneys for the appellee.

32 JOSEPH NAGANAB, Appellant,
v.
ETHAN ALLEN HITCHCOCK, Secretary of the Interior. } No. 1465.

Opinion.

(Mr. Justice Duell delivered the opinion of the court:)

This appeal is taken from a decree in equity wherein the court below, after hearing the case upon the bill of complaint and demurrer thereto, refused to enjoin the appellee from carrying out certain provisions of the act of Congress of June 27, 1902, entitled, "An act to amend an act entitled an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and also refusing to require the appellee to complete the execution of an alleged trust and make an account thereunder, as set forth in an act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

The facts material to a decision herein, as they appear by the bill and the voluminous exhibits referred to in or made a part of the bill, are substantially these:

Appellant, a chief of one of the bands or tribes of Chippewa Indians, being a citizen of the United States, brings the suit for his own benefit and for that of all other members of the tribes or bands of the Chippewas. No express authority to act for parties other than himself is shown by the bill. The ground of the suit is the claimed unconstitutionality of the act of June 27th, 1902.

The Chippewa Indians at one time claimed a right to a large section of country under what has been termed the "ordinary Indian right," and defined to be simply the right of occupancy, the fee remaining in the United States. The complainant and the band of Indians to which he belongs resided in the State of Minnesota,
33 and kept up and maintained their tribal and band relations as Indian bands and tribes, and occupied certain lands and reservations in the State at the time of the passage of the act of Congress of January 14, 1889. Negotiations with the Chippewa Indians under said act resulted in the acceptance and ratification of said act by the Chippewa Indians, and their cessation and relinquishment

and conveyance to the United States of all their right, title, and interest in the reservation mentioned in said act. Copies of the agreements relating to said conveyances are made a part of the bill. It was provided by the act of 1889 that to complete the extinguishment of the right and title of the said bands and tribes to the said lands that the conveyances thereof should be approved by the President of the United States. In due time, and after due consideration, the President approved the agreements and notified the Senate and House of Representatives of such approval, as shown by a copy of his message, which is made a part of the bill. By these acts the Chippewa Indians conveyed to the United States of America their right to upwards of 3,555,771 acres, constituting the various reservations. These lands so conveyed were held by the United States in trust for the purpose and upon the conditions stated and expressed in said act. Pursuant to the provisions of the act, the Secretary of the Interior proceeded to examine and classify the lands and approximately 1,500,000 acres thereof were classified as pine lands and 1,855,000 acres were classified as agricultural lands; 600,000 acres of the land classified as pine lands were situated in the section known as the reservations of the Chippewas of the Mississippi, Leech Lake, Cass Lake, and Lake Winibigoshish. Upon the last-mentioned land there was standing and growing a large amount of merchantable pine timber alleged to be of the value of $10,000,000. The land classified as agricultural land, which was to be sold at $1.25 per acre, was valued at $2,318,750.

The terms and conditions of the trust which complainant insists the Chippewa Indians have the right to have completely executed arise out of the provisions of the act which provides among other things for the sale of certain of the lands and payment into the Treasury of the United States of the proceeds thereof. The sums so received to draw interest at the rate of 5 per centum per annum payable annually for fifty years, and the interest moneys to be expended for the benefit of all the Chippewa Indians in the State of Minnesota, as set forth in the act. At the expiration of the fifty years the principal sum, less any amount advanced for the purpose of promoting civilization and self-support among said Indians, was to be paid to them.

It is further alleged that when the act of Congress of June 27, 1902, became a law the trust was only partially executed, as only part of the agricultural and pine lands had been disposed of under the act of January 14, 1889, there remaining undisposed of some 600,000 acres of pine land and some 200,000 acres of agricultural land, the former being alleged to be worth $1.25 an acre. The bill further alleges that without the consent of the Chippewa Indians of Minnesota, or any of them, and in derogation of their rights and in contravention of the terms of the trust, the act of 1902 in question was passed, and it provided, among other things, for the setting aside of a part of the pine lands then unsold as a perpetual forest reserve and for restricting the sale of the remaining timber on the reservations,

so as to make the same of no value to the Indians; that the value of the lands already actually set aside or authorized to be set aside by the Secretary of the Interior as a perpetual forest reserve are of the value of at least $3,000,000; that the Secretary of the Interior has prescribed rules and regulations for the cutting of timber upon many acres of pine land adjoining the portion set aside for a forest reserve, and that the carrying out of said rules and regulations will reduce the saleable value of such pine timber more than $1,000,000, which sum will be taken out of the trust fund and it will be diminished thereby to that extent. It is alleged that the act is in violation of the trust contained in the act of 1889 under which the lands were conveyed to the United States; that the act is in violation of the trust and in direct conflict and violation of Article V of the Constitution of the United States in that it deprives the complainant and each and all of the Chippewa Indians of the State of Minnesota of their property without compensation and without due process of law, and the said last-mentioned act is unconstitutional and absolutely void.

To the bill of complaint the appellee interposed a demurrer setting forth these grounds:

"1. That there is a defect of parties complainant.

"2. That the bill is bad in substance, in that it does not set out any facts sufficient to entitle the complainant or the real party in interest, the Chippewa Indians of Minnesota, to the relief prayed for or to any relief.

"3. That the court has no jurisdiction over the subject-matter of the suit."

Admitting all the facts set forth in the complaint, which are well and sufficiently pleaded, to be true, and remembering that any allegations as to the construction of the statutes or documentary exhibits referred to therein are not admitted by the demurrer to be correctly alleged, being a matter of law for the determination of the court, we are called upon to examine the cases as presented by the pleadings and see whether anything is presented that differentiates this from other similar cases that have heretofore been decided adversely to the contentions of the appellant.

We are met at the very outset by authoritative decisions of the court of last resort laying down a general rule by which the courts are to be governed when they are asked to declare an act of Congress unconstitutional and enjoin the executive officers from administering it. As has been said, "every possible presumption is in favor of the validity of the statute, and this continues until the contrary is shown beyond a rational doubt." Sinking Fund Cases, 99 U. S. 700; Fletcher & Peck, 6 Cranch, 87.

In the class of cases to which the case at bar belongs we have to bear in mind that it has been most conclusively settled that the Government dealings with the Indians are in their nature political, and that there is consequently little or no room left for the interposi-
34 tion of the courts. We cannot presume that the Executive Department of the Government acted in bad faith in enacting

the act of June 27, 1902, or that either Congress or the President exercises anything but their best judgment in providing for a forest reserve, and placing limitations upon the cutting of timber upon the pine lands in question. In short, that the act of June 27, 1902, was for the benefit of the Indians, bearing in mind the long term referred to in the act of 1889. But however this may be, we fail to discover anything which takes this case out of the general rule laid down in prior decisions of the Supreme Court. Long Wolf *v.* Hitchcock, 187 U. S. 553, and Cherokee Nation *v.* Hitchcock, 187 U. S. 294. In the former case the complainants, claiming due authorization from their tribe, sought to enjoin the defendant, as Secretary of the Interior, from carrying out an alleged unconstitutional act of Congress. The claim of unconstitutionality being that the Indians were deprived of valuable property rights without their consent and to their great injury. The claims are analogous to those made in this proceeding. The court there said:

* * * "Indeed, the controversy which this case presents is concluded by the decision in Cherokee Nation *v.* Hitchcock, 187 U. S. 294, decided at this term, where it was held that full administrative power was possessed by Congress over Indian tribal property. In effect, the action of Congress now complained of was but an exercise of such power, a mere change in form of investment of Indian tribal property, the property of those who, as we have held, were in substantial effect the wards of the Government. We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained."

It having been repeatedly held that the Indians are wards of the nation, the authority to deal with property set aside for them by agreement with them, or otherwise, is vested in Congress, and this authority having been so frequently recognized by the Supreme Court, is no longer open for discussion.

In whatever way the lands in question may be dealt with by Congress, so long certainly as the proceeds derived from them are set aside for the Indian beneficiaries, it is not open for the courts to interfere with congressional action, even though it may be thought that some other disposition of the lands would be more beneficial. We fail to see how any property is taken from the Indians by the act of June 27, 1902. The act only deals with the method of treating the lands, which, together with all avails therefrom, remain the property of the Indians. Even though it be held that the withholding

of a portion of the lands from sale be considered a taking from the Indians of property, set aside for their benefit by the act of 1889, Congress has often exercised such authority and the courts have recognized the right of the Government so to do. Missouri, Kansas, and Texas Ry. Co. *v.* Roberts, 152 U. S. 114; Spaulding *v.* Chandler, 160 U. S. 394; Cherokee Tobacco Case, 11 Wall. 616.

The existence of power in Congress to deal with tribal property having been so frequently recognized by the courts for the reason that the power is political and administrative, it would be a work of supererogation to amplify by argument, or citation of authorities, our reasons for believing that the second ground of demurrer is well taken. Nor do we deem it necessary to pass upon either of the other grounds of demurrer.

It follows that the action of the court below in dismissing the bill was correct, and its decree is therefore affirmed, with costs.

Affirmed.

35 TUESDAY, *March 14th, A. D.* 1905.

JOSEPH NAGANAB, Appellant, vs. ETHAN ALLEN HITCHCOCK, Secretary of the Interior. } No. 1465. January Term, 1905.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the supreme court of the District of Columbia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per MR. JUSTICE DUELL.

March 14, 1905.

TUESDAY, *April 4th, A. D.* 1905.

JOSEPH NAGANAB, Appellant, vs. ETHAN ALLEN HITCHCOCK, Secretary of the Interior. } No. 1465.

On motion of Mr. T. L. Jeffords, attorney for the appellant in the above entitled cause, it is ordered by the court that said appellant be allowed an appeal to the Supreme Court of the United States. And it is further ordered that said appellant deposit with the clerk the sum of one hundred dollars, in lieu of bond.

36 *Memorandum.*

April 11, 1905.—One hundred dollars ($100) deposited with the clerk, for costs, in lieu of bond.

37 UNITED STATES OF AMERICA, *ss:*

To Ethan Allen Hitchcock, Secretary of the Interior, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to an order allowing an appeal, filed in the clerk's office of the Court of Appeals of the District of Columbia, wherein Joseph Naganab, is appellant and you are appellee, to show cause, if any there be, why the decree rendered against the appellant, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Seth Shepard, chief justice of the Court of Appeals of the District of Columbia, this 11th day of April, in the year of our Lord one thousand nine hundred and five.

SETH SHEPARD,
Chief Justice of the Court of Appeals of the District of Columbia.

Service of above citation acknowledged April 11th, 1905.

W. C. POLLOCK,
Solicitor for Appellee.

[Endorsed:] Court of Appeals, District of Columbia. Filed Apr. 11, 1905 Henry W. Hodges, clerk.

38 Court of Appeals of the District of Columbia.

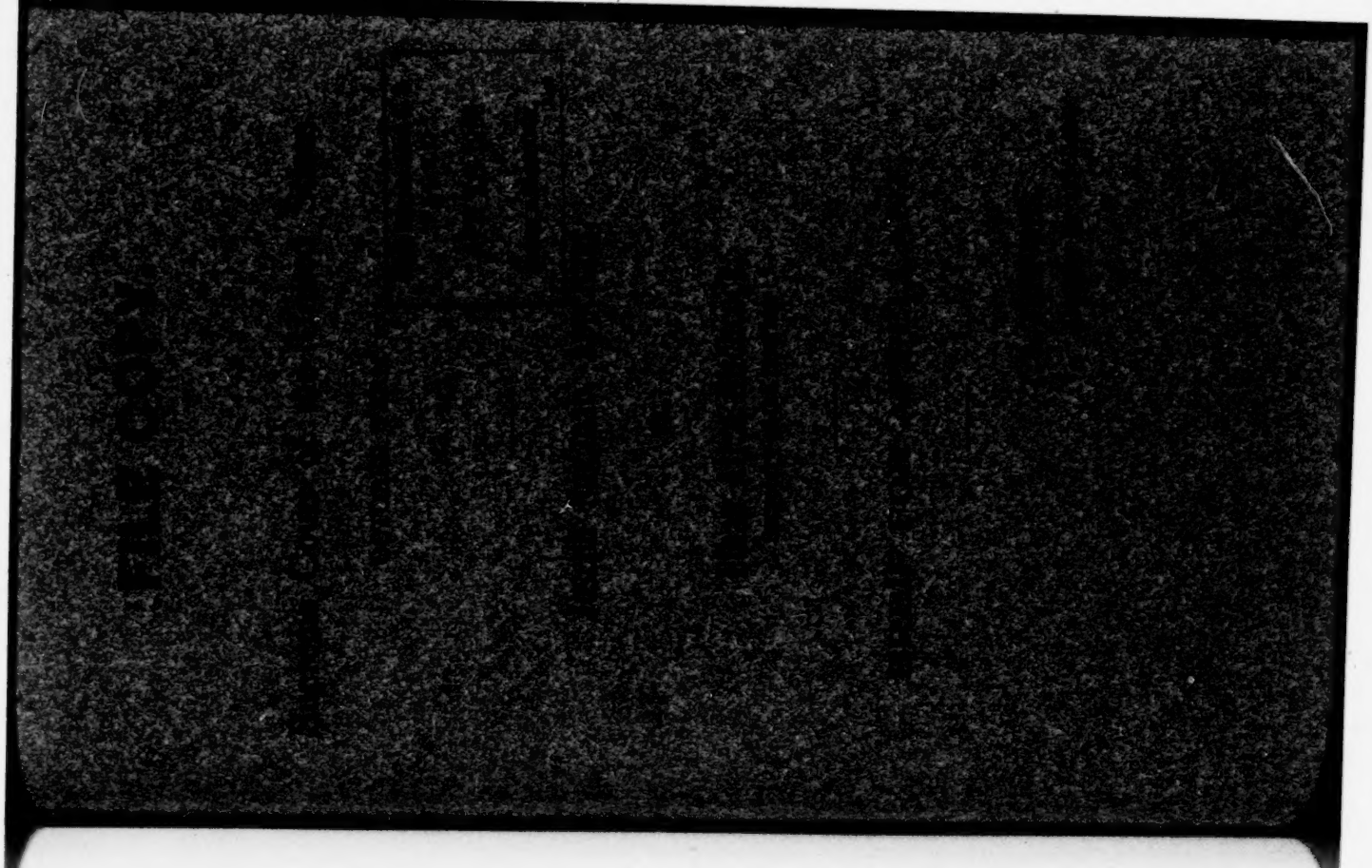
I, Henry W. Hodges, clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages, numbered from 1 to 37, iclusive, contain a true copy of the transcript of record and proceeding in said Court of Appeals in the case of Joseph Naganab, appellant, vs. Ethan Allen Hitchcock, Secretary of the Interior, No. 1465, April term, 1905, as the same remain upon the files and records of Said Court of Appeals.

Seal Court of Appeals, District of Columbia.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court of Appeals, at the city of Washington, this 24th day of April A. D. 1905.

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

Endorsed on cover: File No. 19,735. District of Columbia, Court of Appeals. Term No. 247. Joseph Naganab, appellant, vs. Ethan Allen Hitchcock, Secretary of the Interior. Filed April 29th, 1905. File No. 19,735.



Supreme Court of the United States.

OCTOBER TERM 1905.

No. 247.

Joseph Naganab, Appellant,

vs.

Ethan Allen Hitchcock,

Secretary of the Interior.

STATEMENT OF CASE.

This case is here on appeal from a decree of the Court of Appeals of the District of Columbia affirming decree of trial court sustaining demurrer and dismissing appellant's bill.

Appellant is chief of one of the bands or tribes of Chippewa Indians in the State of Minnesota.

He filed his bill on behalf of himself and other members of said band or tribe, against Ethan Allen Hitchcock, Secretary of the Interior. Appellant is an educated Indian and a citizen of the United States, and others on behalf of whom he filed the bill are also citizens of the United States.

Appellant sought to enjoin appellee from carrying into effect certain provisions of the Act of Congress of June 27, 1902, known as the Morris Act, entitled "An Act to Amend an Act entitled An Act for the Relief and Civilization of the Chippewa Indians in the State of Minnesota."

Part 1, Vol. 32 Stat. At Large, page 400.

Also to require further and complete execution of the trust arising by reason of contracts made by appellant and said others with the United States acting through its duly appointed agents, by which appellant and said others conveyed to the United States in trust all their lands in the State of Minnesota.

The proceedings which led to said contracts were based on Act of Congress of January 14, 1889, entitled "An Act for the Relief and Civilization of the Chippewa Indians in the State of Minnesota."

Stat. At Large, Vol. 25, page 642.

Appellant also asked for an accounting.

Both said Acts relate exclusively to Minnesota lands and property belonging to appellant and others for whom he brought this suit.

It is contended by appellant that part of said Act of June 27, 1902, is in violation of Article 5 of the Constitution of the United States in that it deprives appellant and said others of their property without due process of law, and takes their private property for public use, without just compensation, and therefore is unconstitutional and void.

ASSIGNMENT OF ERRORS.

The court from which this appeal is taken erred in affirming the decree of the trial court, denying prayers of appellant, sustaining demurrer of appellee, and dismissing bill of appellant.

ARGUMENT.

While the ultimate title to Indian lands has been in the United States such lands have always been held subject to the Indian right of occupancy. Their right to possession has never been questioned although the United States has always held that it had exclusive right to acquire and extinguish whatever title the Indian had and has pursued different methods to do that.

METHODS OF EXTINGUISHING INDIAN TITLE.

Prior to 1871, United States uniformly extinguished Indian title to lands by treaty, and never without the consent of the Indians. In like manner, that is by treaty, the different bands and tribes of the Chippewas at different times ceded lands east of the Mississippi in exchange for cash, and other lands in the State of Minnesota.

See Indian Laws and Treaties, Senate Document 452, 57th Congress, 1st Session.
Part 2, Vol. 18 Report of Bureau of Ethnology.
Johnson *v.* McIntosh, 8 Wheat., 543.

Thus the Chippewa Indians, appellant and said others were in possession of the lands in controversy, not only by releasing their original right of occupancy of lands east of the Mississippi, but by reason of formal treaty with the United States.

In 1871, the United States changed this policy toward the Indians and by law provided as follows:

"No Indian Nation or tribe within the territory of the United States shall be acknowledged or recognized as an Independent nation, tribe or power with whom the United States may contract by treaty."

Act of March 3, 1871, 16 Stat. At Large, page 566.
Vol. 1, Page 8 Indian Laws and Treaties, Senate Document 452, 57th Congress, 1st Session.

Since 1871, Indian title has been extinguished only by agreement with the Indians and these agreements have taken the form of cessions, deeds or conveyances and name therein a cash consideration or other lands or reservations or both.

ENABLING POLICY.

Later United States adopted still a new policy toward these Indians, appellant and said others, which was an emphatic and wide departure from all former policies. It was declared and made certain by said Act of Congress of January 14, 1889, entitled, "An Act for the Education and Civilization of the Chippewa Indians in the State of Minnesota."

This may properly be called an enabling act and counsel is not aware that any other Indians have been favored with so liberal an act of this kind.

The main objects contemplated in this act were appointment of commissioners to represent the United States who should explain this act to the Indians, bargain with them to deed these lands to the United States to be held in trust by the United States upon the conditions expressed in said act and in said conveyances.

Commissioners were appointed and did make representations to appellant and said others, that the provisions of this law would be fully and fairly carried into effect if the Indians would convey their said lands to the United States, and it is to be particularly noted that upon these representations these conveyances were made.

After these bargains were made and conveyances executed and delivered the United States through the Secretary of the Interior, commenced to discharge said trust and continued, although not fairly and to the satisfaction of appellant and said others, until said Act of June 27, 1902.

Appellant and said others had a right to expect and did expect after having fully performed their part of the compact, that the United States would do the same. Appellant and said others now contend that the United States has failed to do so and that they have a legal right to enforce compliance with the compact or secure redress for failure to comply with it and to fully administer the trust imposed and undertaken.

THE MORRIS ACT.

An Act to amend An Act entitled, "An Act for the Relief and Civilization of the Chippewa Indians of the State of Minnesota." Approved June 27, 1902.

This without regard to said bargains, conveyances and deeds and without regard to the partial execution of said trust and without requiring or providing that the consent of appellant and said others, should be first had and obtained enacted that 300,000 acres of said lands should be set apart for perpetual forest reserve.

No provision is made to compensate appellant and said others, for this land so set apart, and for arrest of the execution of this trust.

These lands were private property of appellant and said others and were so taken for public use without any compensation or provision for any and without due process of law.

Appellant and said others contend that this part of said last mentioned act is unconstitutional and void.

LAW OF FOREST RESERVE.

In 1817, a law was made authorizing the Secretary of the Navy under the direction of the President to cause such *vacant and unappropriated lands of the United States* as produced live-oak and red-cedar timbers to be explored and selections of same be made to such extent as in the judgment of the Secretary of the Navy would be necessary to furnish for the Navy a sufficient supply of the same.

Sec. 2458 R. S., U. S.

The President was by the same law authorized to appoint surveyors of *public lands* whose duty it was to explore such lands and furnish descriptions and boundaries of same, and with the approval of the President they were to be reserved from future sale of the *public lands.*

In 1822, the President was authorized by law to employ both land and naval forces to protect certain said lands.

Sec. 2460 R. S., U. S.

In 1831, a law on this subject provided fine and imprisonment for any person found guilty of depredation on said *lands of the United States.*

Sec. 2461 R. S., U. S.

Later legislation provided penalties for transporting or exporting timber cut from said lands, gave certain collectors of customs almost summary powers to protect said lands and timber, and provided that if timber cut on public lands should be exported from the territories of the United States it should be liable to seizure by the United States wherever found.

These and like laws and administration of same were aided by what are known as Timber Culture Laws, and March 3, 1891, a law was made entitled, "An Act to repeal timber culture laws, and for other purposes."

Vol. 26, Stat. At Large, page 1095.

That act provides among other things as follows:

"Sec. 10. That nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements, except as provided in section 5 of this act."

"Sec. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public lands bearing forest, *in any part of the public lands* wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limit thereof."

It will be seen that those lands out of which forest reserves can be set apart are *public lands*.

The first forest reserve as such under general law was made March 30, 1891, 27 days after the general law on the subject when President Harrison made his proclamation, which expressly states that forest reserve is to be set apart under the law out of *public lands*.

Vol. 26, Stat. At Large, page 1565.

Every proclamation examined by counsel opening forest reserves has stated in terms that the law permitted same from *public lands*.

There have been nearly one hundred such proclamations and the amount of the forest reserve now reaches 63,095,254 acres in 14 States and Territories.

There are two express provisions of law which prevent taking the lands in question for forest reserve.

One is Sec. 10 of the Act of March 3, 1891.
Vol. 26, Stat. At Large, page 1099.

And the other is the general forest reserve law which provides that forest reserve must be taken from public lands.

The lands involved in this action are not public lands.
Minnesota *v.* Hitchcock, 185 U. S., page 387.

POINTS OF LAW.

The right of an Indian to sue in the Federal Courts is well established.

Enc. of Law, Vol. 16, page 216. (2d Ed.).
Felix *v.* Patrick, 36 Fed., 457-461.
Seneca Nation *v.* Christy, 162 U. S., 283.

"A tribal Indian, whether he be a citizen or not, may maintain an action in the Courts of this State to redress any wrong committed outside of the limits of his reservation against his person or property."
Bem-way-Bin-ness *v.* Eshelby, 87 Minn., 108.

"And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of such citizens, whether said Indian has been, or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."
"Dawes Act" Feb. 8, 1887. (24 Stat., 390).
R. S., U. S., Section 2126.

Appellant is a citizen of the United States and as such has a right to bring suit in its Courts.

In this suit the proper party is made defendant.

Lone Wolf *v.* Hitchcock, 187 U. S., 553.
Cherokee Nation *v.* Hitchcock, 187 U. S., 294.
Minn. *v.* Hitchcock, 185 U. S., 387.

ENABLING ACT.

The Act of January 14, 1889, entitled, "An Act for the Relief and Civilization of the Chippewa Indians in the State of Minnesota" was an enabling act. It gave appellant and others for the benefit of whom this suit is brought certain rights and powers in said act enumerated.

Among other things said act qualified appellant and said others to negotiate and contract with the United States represented by duly appointed agents. Such negotiations were had and resulted in contracts or deeds from appellant and said others to the United States of America of all the Indian lands in Minnesota belonging to appellant and said others. Under these contracts or deeds the United States of America became the holder of title to all said lands but not the owner of same. The United States held and now hold said lands as a trustee in and upon the express trusts mentioned in said deeds and in said act.

The United States holds the legal title to these lands under a contract with the Indians and *in trust for their benefit.*

Minnesota *v.* Hitchcock, 185 U. S., 387.

By the Act of March 2, 1901, the United States, in fact, declares that it waives all objection on the ground that it is mere trustee; that it assumes the full responsibility of ownership, and that it will, whatever may be the outcome of any litigation, stand responsible to the Indians for the full value of the lands in controversy.

Ibid at page 388.

The Act of January 14, 1889, provided that the conveyance by the Indians was for the purpose and upon the terms therein set forth.

"The cession was not to the United States absolutely, but in trust. The trust was to be executed by the sale of the ceded lands and a deposit of the proceeds in the Treasury of the United States to the credit of the Indians, such sum to draw interest at five per cent., and one-fourth of the interest to be devoted exclusively to the maintenance of free schools among the Indians and for their benefit."

Ibid at page 394.

"It was a distinct conveyance by the Indians of certain lands for a named purpose.

Now if the United States, the recipient of this cession, was competent to carry into execution the expressed purposes, does it not follow that *the cession subjected all the lands to them?* Can it be said that the Indians, making the cession, for a moment supposed that the lands ceded were not to be used for the purposes named."

Ibid at page 395-6.

This Court in Minnesota *v.* Hitchcock, refers to the cases of Beach *v.* Wetherby, 95 U. S., 517, and Botts *v.* Northern Pacific Railroad, 119 U. S., 55. And the distinction is made that in those cases the lands in question were ceded either for a cash consideration, or other reservations set apart for the use and occupancy of the Indians, and the cession was not subject to any trust or condition.

The Court says further, in the same case and in relation to the same lands, those involved in this case:

"Of course, when the Indian tribe has been moved by treaty from one body of land to another the interest of the tribe in the land from which it has been removed ceases and the full obligation of the Government to the Indians is satisfied when the pecuniary or real estate consideration for the cession is secured to them. But in some instances, and this is one of them, the Indians have not been removed from one reservation to another, but the Government has proceeded upon the theory that the time has come when efforts shall be made to civilize and fit them for citizenship.

> Allotments were made in severalty, and something attempted more than provision for the material wants of the Indians. In construing provisions designed for their education and civilization as fully if not more than in construing provisions for their material wants, it is a duty to secure to the Indians all that by any fair construction of treaty or statute can be held to have been understood by them or intended by Congress. Instead of removing these Chippewa Indians from Minnesota, the purpose of the legislation and agreement was to fit them for citizenship by allotting them lands in severalty and providing a system of public schools.
>
> *Surely it could not have been understood by the Indians that only part of the lands they ceded were to be used for these purposes. They were dealing with the tract as an entirety, and they had a right to expect that the entire tract would be used as declared in the act and agreement."*
>
> Ibid at page 401.

In Minnesota against Hitchcock this Court held that all these lands and the funds derived therefrom were held in trust for the Indians, and accordingly the State of Minnesota could not have any part of said lands for school lands.

There can be no doubt then that as to the lands in question and the funds derived therefrom the United States is a trustee holding same for appellant and others for whom this action is brought, in and upon the express trusts in said conveyances and said Act of Congress enumerated. There can be no doubt that before the Act of June 27, 1902, when Congress enacted an Act entitled "An Act to Amend an Act Entitled 'An Act for the Relief and Civilization of the Chippewa Indians of the State of Minnesota, approved January 14, 1889,'" and at that time appellant and said others were entitled to all the rights within the scope of their said conveyances and the Act of January 14, 1889, under which they were made.

These were vested rights, were property rights, were property.

This case must be distinguished from

Cherokee *vs.* Kansas Ry. Co., 135 U. S.
Stevens *vs.* Cherokee Nation, 174 U. S.
Barker *vs.* Harvey, 181 U. S.
Lonewolf *vs.* Hitchcock, 187 U. S.

and similar cases which lay down the doctrine that the Indians being wards of the United States, the power and duty of control over their property rests with the political branch of the Government. The subject of litigation in all of those cases was the tribal lands of the Indians, or rather their rights of occupancy to the lands the fee of which was in the United States. In the case at bar the subject of the action is not the tribal property of the Indians in the land. By the Act of January 14, 1889, and the proceedings thereunder the title to these lands passed to the United States, not as public lands, but in trust for a specific purpose therein stated. The Court in

Minnesota *vs.* Hitchcock, 185 U. S., 394,

after distinguishing these lands from public lands say:

> "But it also had the power to make arrangements with the Indians by which the entire tract would be otherwise appropriated.
>
> What was in fact done? The Act of January 14, 1889, provided for a commission to negotiate for the cession and **relinquishment** of 'all or so much of' the White Earth and Red Lake reservations as in the judgment of the commission should not be required to satisfy the allotments required by the existing acts, the cession to be 'for the purposes and upon the terms hereinafter stated'. The allotments referred to were allotments in severalty, made in conformity to the provisions of the Act of February 8, 1887. 24 Stat. at L. 388, Chap. 119. The ceded lands were to be divided into two classes, one appraised and sold at auction, and the other disposed of to actual settlers at $1.25 per acre. The proceeds of these sales were to be placed in the Treasury of the United States as a permanent fund to the credit of the Indians, drawing interest at 5 per centum, for fifty years, the interest to be expended, three-fourths paid in cash to the

> Indians severally and the remaining one-fourth devoted, under the direction of the Secretary of the Interior, 'exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit'. The cession was not to the United States absolutely, but in trust. It was a cession of all of the unallotted lands. The trust was to be executed by the sale of the ceded lands and a deposit of the proceeds in the Treasury of the United States to the credit of the Indians, such sum to draw interest at 5 per cent., and one-fourth of the interest to be devoted exclusively to the maintenance of free schools among the Indians and for their benefit."

The Court further says:

> "The cession was, as we have seen, of all the unallotted lands, and the cession was of those lands 'for the purposes and upon the terms hereinafter stated'. It was a distinct conveyance by the Indians of certain lands for a named purpose. Now if the United States, the recipient of this cession, was competent to carry into execution the expressed purposes, does it not follow that the cession subjected all the lands to them? Can it be said that the Indians making the cession for a moment supposed that the land ceded were not to be used for the purposes named; and if the language carries upon its face one obvious meaning, and would naturally be so understood by the Indians, that construction, within all the rules respecting Indian treaties, must be enforced. The language used in treaties with the Indians should never be used to their prejudice," etc.

It being settled in that case that the lands in question are not public lands and that both the legal title and the right of possesion are in the United States, subject, however, to the trust expressed in the Act and agreement, it follows that the case at bar must be distinguished from those where the subject of the litigation was the Indian title merely. The reason given in those cases for the absolutely and uncontrolled power

of Congress over the rights of the Indians is that the United States is the guardian and the Indians are the wards of the Government, and that in the execution of this guardianship Congress exercises its political power uncontroled by any constitutional limitations or any power of the courts. That this doctrine is law upon the facts there found, we do not dispute, but we submit that it should not be carried any farther than it has already been carried. Here we have an Act of Congress and an agreement and proceedings thereunder which change the relation of these Indians, with reference to the subject matter to the Government from that of guardian and ward to that of trustee and *cestui que trust.* This new relation is the creation of the voluntary act of the parties and takes the case out of the doctrine of the cases relied upon in the court below, which I have referred to above, and brings it within the ordinary doctrine of equity jurisprudence which has jurisdiction and ought to exercise jurisdiction for the enforcement of this trust relation. The Act of 1889 provides that the pine timber upon the lands ceded should be estimated and appraised and that it then should be sold at auction to the highest bidder, after due advertisement, but not below estimated value. Unless this provision as to public sale or auction is carried out it will be impossible to tell what the value of this timber is. There is no other way to ascertain it. The purpose of an estimated value of the stumpage was simply for the protection of the Indians and the Government against a sacrifice sale but it is a matter of common knowledge that at a duly advertised sale such stumpage will bring many times the appraised value. The complainant therefore will not have any adequate remedy against the failure to carry out the trust, by compensation in damages, for no one can tell what the damages will be. The so-called Morris Act in so far as it provides that all of these pine lands referred to in the bill shall be set aside as a forest reserve is in direct violation of the trust agreement and deprives the complainant and others of a valuable property right. This right of property is not a qualified property, such as the right of occupancy to the tribal lands, but as complete property as can exist anywhere, and it must be held to be property within the meaning of the constitution of which one cannot be de-

prived by mere act of Congress. We have appealed to a court of equity to compel the United States, as trustee, which relation it has voluntarily assumed to carry out the trust, and shall it now be said that since the trust relation was entered into, and fair consideration was paid, that the trustee has decided that although he has received the consideration he will not carry out the burden he assumed. If it is competent for Congress to set aside this land as a perpetual forest reserve and refuse to carry out the trust agreement then it is idle to say that this land is held in trust for the benefit of the Indians for a trust incapable of being enforced and which is dependent upon the continued willingness of the trustee to execute it is no trust at all but is a confiscation pure and simple.

UNITED STATES HOLDS AS TRUSTEE.

By the Act of January 14, 1899, the Indians were expressly qualified with capacity to contract. Exercising that capacity they did contract and the contracts took the form of conveyances to the United States. The United States qualified them with this capacity, contracted with them on the strength of it and received their property which it now holds as trustee.

> "Every legislative body, unless restricted by its constitution, may modify or abolish the acts of its predecessors; and there is no way in which a legislative act can be made irrepealable, *except it assume the form and substance of a contract.*"
>
> 1st Ed. Enc. Law, Vol. 3, p. 691. Vol. 23, page 501-2.
> Bloomer *vs.* Stolley, 5 McLean, (U. S. Cir.), 158.
> Cooley Const. Lim., 125.

The United States may sustain the character of a trustee and has legal capacity to take and execute trusts for every purpose.

Perry on Trusts, Section 41.

A trustee cannot renounce a trust having accepted same, after all things to be done and performed as condition pre

cedent have been completed by the party creating the trust.

Perry on Trusts, 2d Ed., Section 401.

Under no circumstances can trustee claim or set up claim to trust property adverse to *cestui qui* trust. Trustee cannot deny his title.

Perry on Trusts, 2d Ed., Sec. 401.

In equity *cestui qui* trust is the absolute owner just as the trustee is at law.

1st Ed. Enc. Law, Vol. 27, page 234.
Lewin on Trusts and Trustees, page 572.
Croxall *v.* Shererd, 5 Wall. (U. S.), 268.
Badgett *v.* Keating, 31 Ark., 400.

Possession by trustee is in equity possession by *cestui qui* trust.

Lewin on Trusts and Trustees, page 572.
Croxall *v.* Shererd, 5 Wall, (U. S.), 268.

A beneficiary may enforce all his rights in equity.

1st Ed. Enc. Law, Vol. 27, page 245, and notes and cases cited.

The breach of any duty of a trustee may be prevented by injunction.

1st Ed. Enc. Law, Vol. 27, page 248, notes and cases cited.

A voluntary trust upon a meritorious consideration, perfectly created and fully executed, is irrevocable and may be enforced in equity.

1st Ed. Enc. Law, Vol. 27, page 11, note and cases cited.

Equitable estates, where the trust is executed are governed by same rules as legal estates.

Ibid page 65, notes and case cited.

ACT UNCONSTITUTIONAL.

The said Act of June 27, 1902, seeks to deprive appellant and said others of more than three hundred thousand acres

of said real estate, without his or their consent, in derrogation of his and their rights and without just compensation or due process of law.

It is not necessary to argue here the question of due process of law or just compensation, for the reason that appellant and said others are deprived of this property and said rights without any compensation therefor, or any process of law, but simply by an Act of Congress.

It may be said that if the foregoing contentions are admitted, the court nevertheless is without power to give directions to the United States which is a trustee holding these Indian lands and the funds derived therefrom, as property of appellant and said others and for their use.

It would seem that if the court is without power, or unwilling to give orders to said trustee to further administer said trust it can and ought to enjoin the defendant herein from further executing or attempting to execute said Act of June 27, 1902, and on the ground that the said act is unconstitutional and void, and require accounting.

It is respectfully submitted that the decree from which this appeal is taken should be reversed.

TRACY L. JEFFORDS,
Attorney for Appellant.

NOTE:

Bound with this brief and as an appendix to it is Ex. Doc. No. 247, House of Representatives, 51st Congress, 1st Session.

This document is a message from the President of the United States transmitting a communication from the Secretary of the Interior relative to the Chippewa Indians in the State of Minnesota.

It contains the record of the proceedings under the Act of Congress approved June 14, 1889, entitled "An Act for the Relief and Civilization of the Chippewa Indians in the State of Minnesota."

This document contains copies of the deeds and agreements mentioned in appellant's bill of complaint and name of appellant as a grantor appears on page 62 of said document.

51st Congress, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 247.

CHIPPEWA INDIANS IN MINNESOTA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to the Chippewa Indians in the State of Minnesota.

MARCH 6, 1890.—Referred to the Committee on Indian Affairs.

To the Senate and House of Representatives:

In pursuance of the authority and direction contained in the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," three commissioners were appointed by the President on February 26, 1889, as therein authorized and directed, namely: Henry M. Rice, of Minnesota, Martin Marty, of Dakota, and Joseph B. Whiting, of Wisconsin, to negotiate with said Indians.

The commissioners have submitted their final report, with accompanying papers, showing the results of the negotiations conducted by them, and the same has been carefully reviewed by the Secretary of the Interior in his report to me thereon.

Being satisfied from an examination of the papers submitted that the cession and relinquishment by said Chippewa Indians of their title and interest in the lands specified and described in the agreement with the different bands or tribes of Chippewa Indians in the State of Minnesota was obtained in the manner prescribed in the first section of said act, and that more than the requisite number have signed said agreement, I have, as provided by said act, approved the said instruments in writing constituting the agreement entered into by the commissioners with said Indians.

The commissioners did not escape the embarrassment which unfortunately too often attends our negotiations with the Indians, viz: An indisposition to treat with the Government for further concessions while its obligations incurred under former agreements are unkept. I am

sure it will be the disposition of Congress to consider promptly, and in a just and friendly spirit, the claims presented by these Indians through our commissioners, which have been formulated in the draught of a bill prepared by the Secretary of the Interior and submitted herewith.

The act of January 14, 1889 (25 U. S. Stat., 642) evidently contemplated the voluntary removal of the body of all these bands of Indians to the White Earth and Red Lake Reservations; but a proviso in section 3 of the act authorized any Indian to take his allotment upon the reservation where he now resides. The commissioners report that quite a general desire was expressed by the Indians to avail themselves of this option. The result of this is that the ceded land can not be ascertained and brought to sale under the act until all of the allotments are made.

I recommend that the necessary appropriations to complete the surveys and allotments be made at once available, so that the work may be begun and completed at the earliest possible day.

A copy of the report made by the commissioners, with copies of all of the papers submitted therewith except the census rolls, is herewith presented for the information of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
March 4, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1890.

The PRESIDENT:

There has been filed in this Department the report of the Chippewa Commission, one copy whereof is herewith transmitted for your consideration and action.

This Commission was formed under an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," being chapter 24, United States Statutes at Large, volume 25, page 642, approved January 14, 1889.

The first section of the act authorizes the creation of the Commission, designates its purposes, provides for certain conditions precedent as to a census to be taken, and declares in what manner the cession and relinquishment of the lands therein sought to be obtained by the Government shall be effected. The section is as follows:

That the President of the United States is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of those two reservations as in the judgment of said commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the commissioners for said purposes, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake Reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake Reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like man-

ner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be approved by the President of the United States before taking effect: *Provided further*, That in any case where an allotment in severalty has heretofore been made to any Indian of land upon any of said reservations, he shall not be deprived thereof or disturbed therein except by his own individual consent separately and previously given, in such form and manner as may be prescribed by the Secretary of the Interior. And for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into male and female adults and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the President of the United States shall be deemed full and ample proof of the assent of the Indians and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

The Commission was appointed by the President on the 26th day of February, 1889, and the several members thereof became duly qualified by giving the bond required by section 2 and taking the oath thereunder required, as appears by the files of this Department. The census required to be taken by section 1 was completed and one of the duplicate lists thereof filed with the Secretary of the Interior on the 3d day of January, 1890, and the other with the official head of the band or tribe.

It appears by the report of the Commission that it sought and obtained the assistance of Bishop Whipple and Archbishop Ireland in its labors, and that all that was done was conducted in a spirit of fairness towards the Chippewas. There were distributed among them 500 copies of the act of January 14, 1889, and several hundred copies of the general allotment act of February 8, 1887.

Councils were held at Red Lake, White Earth, Gull Lake, Leech Lake, Cass Lake, Lake Winnibagoshish, White Oak Point, Mille Lac, Grand Portage, Bois Forte and Vermilion Lake, and Fond du Lac.

At Red Lake the assent of all the Indians to the agreement was obtained except a few called "pagans," residing on the northern shore of the lake. The Indians at Red Lake complained of unfulfilled promises, plead for mills and cattle, and that their boundaries might be surveyed in accordance with treaties. They also prayed for an agent, as they were 80 miles from the White Earth Agency. The Red Lake Reservation, two thirds of which at least is ceded to the United States, contains 3,200,000 acres, and the number of Indians occupying it is 1,168. The boundaries of the diminished reservation, from which allotments to the Red Lake Chippewas are to be made, are given in the report. The commissioners report that—

> This reservation is larger than will eventually be required, but as there are swamps and other untillable lands therein, it can not be reduced until after survey and allotments shall be made.

Whether the surplus lands that may remain after allotments shall have been completed as required by the law can be disposed of without further legislation is a question which will require consideration, but such consideration is not necessary at this time.

The Indians on the Red Lake Reservation were suffering for want of food, owing to the loss of crops the last season.

The Indians of the White Earth Reservation were also suffering for food. They insisted upon the provisions of article 9 of the treaty of September 30, 1854, and that damages should be paid because of the construction of reservoirs on the reservation near the headwaters of the Mississippi, provision for which had been made by the Northwest Commission three years ago, and which negotiations have not been acted on by Congress. No explanation could be given why the provisions of the treaty of September 30, 1854, had not been fulfilled, but the Indians were promised that the best efforts would be given to secure justice in this case, and upon these assurances the acceptance and signing of the propositions made were nearly unanimous. This matter is incorporated in the draught of a bill herewith presented for submission to Congress.

The White Earth Reservation contains 796,762 acres, and the number of Indians occupying the same is 2,044. They complain of want of milling facilities. They have about 5,000 acres seeded in wheat, barley, and vegetables, but owing to want of rain not more than half a crop will be grown. At least 2,500 acres heretofore cultivated lies fallow for want of seed and teams.

There were but 277 Chippewas at Gull Lake, all of whom signed the agreement and agreed to make their permanent home on the White Earth Reservation as soon as they should be furnished with means to cultivate the soil and subsist until they could make a living.

At Leech Lake Reservation, amid pompous demonstrations, the Commission was received, and the first demand made of them was that there should be settlement of outstanding claims. Nor was the business allowed to proceed until the Commission had given a solemn promise with raised hands that they would to their utmost ability urge the immediate settlement of these unadjusted demands. These Pillager Indians have a claim for lands ceded to the United States under the treaty of 1847, which it is urged should be carefully investigated, and the Pillagers allowed what may be found in equity due them, and also for damages arising from the construction of reservoirs at the headwaters of the Mississippi. For these damages it is recommended that there be paid $150,000, with 5 per cent. per annum to date, and $1.25 per acre for the overflowed lands. The Indians have absolutely ceded to the United States 46,920 acres, which can not be sold, as provided in the act of January 14, 1889, for their benefit, and it is and must be reserved for the overflow caused by the reservoir dams. An item covering the claim for damages by reason of the construction of the dams is also incorporated in the inclosed draught of bill.

The alleged claim of the Pillagers for further compensation for land ceded under the treaty of 1847 is a matter for consideration by Congress, and I would recommend that it be brought to the attention of that body. The statement upon which this claim is based by the Indians is set forth in the report of the Commission.

At Cass Lake a like demand was made by the Indians for the settlement of unsatisfied demands, but all gave their assent and signatures to the proposition.

The Indians at Lake Winnibagoshish depend much upon their wild rice, which they were gathering at the advent of the Commission. The injury done them by the building of the reservoirs is very great. They are destitute, as are those at Cass Lake, of aid from the Govern-

ment, having no missionary, school, farmer, blacksmith, or physician. The Commissioners observe that the Winnibagoshish Reservation is marked upon the map by township lines, which is erroneous, as the treaty fixes its line by natural boundaries beyond those shown by township lines. This has given much dissatisfaction, as the whites have settled between the two lines and consequently upon the reservation, as the Indians claim. This marking is erroneous, and should be adjusted. All the adults of this band gave their consent to the agreement.

The condition of the Indians at White Oak Point is described as beyond hope of improvement, they being dissipated and dissolute, but they have still intelligence enough to ask that whisky may be kept from the country and that missionaries and school-teachers be sent them. They all signed the agreement, and it will be the purpose of this Department to supply and enforce so far as may be in its power the regulations so reasonably demanded. Scattered members of the White Oak Point bands were found at Kimberly, who were healthy in mind and body, unusually bright and careful of themselves, and all of whom were anxious to acquire lands in severalty and the young men eager to find work. They number one hundred, and all except one signed the agreement.

The Indians at Mille Lac were found to be intelligent, cleanly, and well behaved, and of good reputation among the neighboring whites. White men, unfortunately, have been permitted to rob them of their pine, and for years to settle upon their agricultural lands, to great injury and fear of the Indians. Squatters are now settling upon this reservation, as the commissioners report. The question of right should be settled at the earliest possible moment, for the greater the delay the more difficult will be the adjustment. All signed the agreement at this place.

The rights of the Indian upon this reservation have been a vexed question, full of difficulties and embarrassments, but it is hoped that this agreement will furnish a basis for its early and final solution.

At Grand Portage the Indians expressed themselves as fully understanding and satisfied with the terms of the act, and signed with cheerfulness and unanimity. They complained that the white fishermen spread so many large nets near their reservation that the Indians were unable to procure a supply of fish for food.

At Bois Forte and Vermilion Lake the Indians seemed timid and distrustful, but they "touched the pen" finally with great solemnity and much formality. They have the best hunting grounds of the Chippewas. They seem willing to learn to till the soil, but ask for assistance in the way of better facilities. Much of the land on the Lake Superior reservations is unfit for cultivation, and the Bois Forte Indians complain that a large amount of their timber is cut without compensation and is run down Little Fork River to the British Possessions.

Many of the Indians at Fond du Lac are in danger of suffering during the winter and spring, having been denied the right of cutting timber on their reservation. Like all of the Mississippi bands, they feel greatly grieved at the long-continued withholding of the money due them from the Government. On the positive assertion of the commissioners that justice should be speedily done, not only in this respect but in the matter of a palpable error in the boundary lines of their

reservation, they were induced to listen, and finally signed by touching the pen.

This claim for additional land to which the Indians insist they are entitled under the plain and unmistakable meaning of the treaty should have careful consideration and be fairly and speedily adjusted.

The commission reports:

> As the various bands decided to take their allotments on their respective reservations, the commission told them that the $90,000 to be advanced and already appropriated would be paid pro rata as soon after the approval of these negotiations by the President as should be practicable, but not later than the coming spring.

The commission further reports that—

> The clause of the act of January 14, 1889, providing for the payment of the interest that may accrue on the permanent fund was to the commission obscure, and they promised the Indians that cash payment should be made per capita in equal shares.

It is provided in section 7 of the act of January 14, 1889 (25 Stats., 642):

> That one-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares.

This construction by the Commission is deemed reasonable. While there may be some discussion possibly in regard to its validity, it is deemed that it is in harmony with the spirit of the act, and having been made the basis of the Indians' assent it should be adhered to.

The Indians desire that the Government will set aside a sufficient quantity of land on each reserve for Government buildings, such as may be necessary for physician, blacksmith, farmer, carpenters, and for missionaries, traders, etc. The commissioners recommend this, and the reservation, it is submitted, should be made, and the order as to the location and erection of such buildings should be enforced.

The reservation of the necessary and suitable tracts of land for these purposes can be made the subject of an executive order when proper selections shall have been made, which should be attended to before the lands are offered for disposal under the act.

The commissioners further recommend that on each reservation a tract of pine land should be reserved and held by the General Government as might be necessary for their common use, to be so held during the pleasure of the Secretary of the Interior.

I doubt whether this request for the reserving and holding by the General Government of a tract of pine land upon each reservation for the common use of the Indians remaining thereon can be complied with without legislative authority therefor, in view of the terms and conditions of the act to which the Indians have given their consent.

They ask for sawmills, cattle, agricultural and mechanical implements, which they must have, or they can make no substantial progress.

The Commission reports that although the Indians have decided to take allotments on their reservations, it is believed that many may be

induced to remove to White Earth, and for this reason it is not prudent to urge individual allotments elsewhere than on the White Earth and Red Lake reservations at present.

The removal of those who will go to White Earth will take place as soon as provisions can be made for their subsistence. It will be of the greatest benefit to the Indians and to the State to have the removal made.

The Commission ask that there may be granted 10 acres of maple timber for making sugar to each family occupying the same. This is deemed ample and is as much as should be granted. The matter should receive attention when the individual allotments are made to the Indians.

The commissioners state that it is important that the four townships of pine land on the White Earth Reservation should be early estimated and sold, as the timber is liable to be stolen or burned; while on the other hand the swamp lands of valuable cedar and tamarac should be withheld from sale under the preemption laws, and sold under the direction of the Secretary of the Interior in such manner and upon such terms as to him shall seem best for their interests.

I fully concur in the suggestion of the commissioners, that the ceded lands of the White Earth Reservation already surveyed should be disposed of under the terms of the act, at as early a date as possible, but I do not see how the swamp lands referred to, and reported to be valuable chiefly for cedar and tamarac, can be withheld from sale as requested without further legislation in view of the last clause of section 4 of the act, which reads as follows:

> All other lands acquired from the said Indians on said reservations other than pine lands are for the purposes of this act termed "agricultural lands."

And section 6 provides specifically the manner in which unallotted and unreserved agricultural lands shall be disposed of. I think, however, that this request of the Indians should receive favorable consideration by Congress, and that the necessary legislation should be had authorizing the reservation and disposal of the cedar and tamarac swamp lands as desired by the Indians.

It is reported and believed that upon Grand Portage, Bois Forte, and Vermilion Lake reservations there are valuable mines, and the Indians request that if such are discovered they shall be disposed of by the Secretary of the Interior as best to subserve the interests of all concerned. I do not concur in the recommendations of the commissioners regarding the request of the Indians for the disposal of mineral lands. I can not see how such a request can be complied with under the law.

The commissioners state that the pine ceded is estimated by various parties from $25,000,000 to $50,000,000.

It is reported by the commission that a further appropriation for surveys and examination of the lands will be necessary, and that a small appropriation should be used for the purpose of defraying the expenses of the Indians who may desire to visit the White Earth Reservation, with the expectation of removing there before allotments should be taken or confirmed elsewhere.

Section 8 of the act makes an appropriation of $150,000 "to pay for procuring the cession and relinquishment, making the census, surveys, appraisals, removal, and allotments, and the first annual payment of

interest herein contemplated and provided for." Ninety thousand of this sum is required to pay the first annual payment of interest, leaving but $60,000 for the other purposes specified. The commission has expended about $30,000 in procuring the cession and relinquishment and making the census, leaving about $30,000 for the surveys, appraisals, and for the removal and allotments provided for in the act. This balance is manifestly insufficient to enable the Department to accomplish these further provisions of the act, and I therefore concur in the recommendation that a further appropriation be made, and an item for that purpose is included in the draught of bill herewith submitted, which also provides for defraying the expenses of Indians visiting the White Earth Reservation.

The commission further remark that the Red Lake Indians should be encouraged to commence farming and building houses the coming spring, and furnished with cattle and implements, etc.

All these requests of the Indians and recommendations of the commission for furnishing mills, farming implements, cattle, buildings, etc., raise the question of an appropriation therefor, which requires to be carefully considered. Section 7 of the act provides the manner for the disposition of the interest on the proceeds arising from the disposal of the lands, as previously recited in this report. It is in said section further provided:

> That Congress may in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding five per centum thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of $90,000 annually, counting from the time when the removals and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $3,000,000, less any actual interest that may in the meantime accrue from an accumulation of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years, be expended in procuring live stock, teams, farming implements, and seed for each of the Indians, to the extent of their shares, as are fit and desire to engage in farming; but as to the rest, in cash.

As the $90,000 already appropriated as first payment of interest was promised by the commission should be paid pro rata in cash, there is no fund out of which the mills, etc., can be purchased, unless Congress shall make an appropriation to enable the Department to provide these necessary and essential things so urged by the commission, and make such appropriation reimbursable from the principal sum arising from the disposal of said lands. An item for that purpose is embraced in the draught of bill herewith.

It is suggested that there are many persons of Chippewa blood dwelling in Michigan, Wisconsin, and elsewhere, but that the chiefs and headmen should be consulted as to the justice of their claims when they assert the right to the benefits under recent negotiations.

It will be perceived that some portions of the recommendations of the commissioners may be carried into effect through orders of this Department, and the same will be done to the extent possible; but, as to those matters dependent upon further legislation, the President will have to request action by Congress. The chief of these will be to make such appropriations as will pay the demands of the Indians under previous treaties, and for the damages done by the reservoirs established

upon the reservations. This matter has long been pending, and its adjustment seems to be demanded by ordinary good faith and the plainest principles of justice.

The $150,000 hereinbefore mentioned, recommended for the damages done by the overflow of the reservation dams, with 5 per cent interest, should no longer be refused.

There should be a due appropriation made, also, for the establishment of schools and the employment of farmers, blacksmiths, and physicians, and particular provision made to preserve these Indians from want during the remainder of the winter and coming spring.

The first section of the act provides for an accurate census of each tribe or band, to be taken by the said commissioners while engaged in securing such cession and relinquishment, classifying them into male and female adults and male and female minors, and the minors into those who are orphans and those who are not orphans, giving the exact number of each class.

The commissioners submit census reports taken by them in the manner and form prescribed by the act, a summary of which is as follows:

	Total.	Adults.		Minors.		Orphans.	
		Male.	Female.	Male.	Female.	Male.	Female.
Red Lake and Pembina bands:							
Red Lake	1,168	303	359	237	247	15	7
Pembina	218	83	63	38	33	.....	1
Total	1,386	386	422	275	280	15	8
Mississippi bands:							
White Earth	1,169	284	279	300	292	9	5
Gul Lake and scattering	277	61	75	49	89	1	2
White Oak Point	661	176	211	129	114	15	16
Mille Lac	895	213	289	180	204	6	3
Total	3,002	734	854	658	699	31	26
Pillagers and Lake Winnibigoshish bands:							
Leech Lake	1,141	324	348	239	215	8	7
Otter Tail	657	164	180	154	158	.....	1
Cass Lake	241	67	71	53	43	1	6
Lake Winnibigoshish	169	45	50	34	33	3	4
Total	2,208	600	649	480	449	12	18
Grand Portage, Bois Forte, and Fond du Lac bands:							
Grand Portage	294	73	85	60	71	2	3
Bois Forte	743	228	224	153	132	3	3
Fond du Lac	671	157	187	168	140	9	10
Total	1,708	458	496	381	343	14	16
RECAPITULATION.							
Red Lake and Pembina bands	1,386	386	422	275	280	15	8
Mississippi bands	3,002	734	854	658	699	31	26
Pillagers and Lake Winnibigoshish bands	2,208	600	649	480	449	12	18
Grand Portage, etc., bands	1,708	458	496	381	343	14	16
Total	8,304	2,178	2,421	1,794	1,771	72	68

The commissioners also submit reports showing the number of male adults of each of the separate bands and the number of such male adults assenting to the act, of which the following is a summary:

	Male adults.	
	Total.	Assenting.
Red Lake and Pembina bands:		
Red Lake	303	247
Pembina	83	77
Total	386	324
Mississippi bands:		
White Earth	284	270
Gull Lake and scattering	61	57
White Oak Point	176	172
Mille Lac	213	189
Total	734	688
Pillager and Lake Winibigoshish bands:		
Leech Lake	324	217
Otter Tail	164	144
Cass Lake	67	65
Lake Winibigoshish	45	40
Total	600	466
Grand Portage, Bois Forte, and Fond du Lac bands:		
Grand Portage	73	72
Bois Forte	228	211
Fond du Lac	157	123
Total	458	406
RECAPITULATION.		
Red Lake and Pembina bands	386	324
Mississippi bands	734	688
Pillager and Lake Winibigoshish bands	600	466
Grand Portage, etc., bands	458	406
Total	2,178	1,884

This summary shows that the total number of male adults is 2,178 and that 1,884 of that number signed their acceptance and consent to the act, being over 86 per cent. of such male adults, and more than the requisite "two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to" each of the several reservations, and more than "two-thirds of the male adults of all the Chippewa Indians in Minnesota," as is required in the case of the Red Lake Reservation. (Section 1 of the act.)

The commissioners have not submitted their recommendations in separate form, and what is herein stated has been gathered from the general purport of their report, all of which will be more fully considered by the appropriate committees, with the view of doing complete justice to this tribe, which has reposed its confidence so firmly and fully in the Government and relied upon its justice.

It is provided in section 1 of the act authorizing negotiations "that all agreements therefor shall be approved by the President of the United States before taking effect."

The agreement or acceptance and consent of the Indians to the act, herewith, in ten parts, is therefore respectfully submitted for your action.

Before the ceded lands within any of the reservations can be disposed of as contemplated in the act, all of said ceded lands must be surveyed as the public lands are surveyed, after which they are to be carefully examined in 40-acre lots, by competent and experienced examiners to be appointed for that purpose, and classified into "pine lands" and "agricultural lands," the pine lands are then to be valued and listed, etc. (section 4), and finally proclaimed as in market and offered for sale in the manner prescribed in section 5.

The agricultural lands not allotted nor reserved for the use of the Indians, after having been surveyed, are to be advertised for thirty days and disposed of to actual settlers under the provisions of the

homestead laws, each settler being required to pay $1.25 per acre for the lands so taken by him.

Besides all this it will be necessary to ascertain how many and who of the Indians of the several reservations elect to take allotments on the reservations where they now live, as by the terms of the act they are permitted to do, instead of being removed to White Earth Reservation (section 3). It is not seen how any of the ceded lands, except possibly those of the Red Lake Reservation and the four townships ceded in the White Earth Reservation, can be offered for sale or settlement until the Indians of the several reservations who elect to remain and take allotments where they are shall have signified their intention to so remain and shall have made their individual selections for allotment; nor can the Red Lake ceded lands be so offered until the surveys, examinations, classification, etc., shall have been fully completed.

Your approval, therefore, of the agreement will not open any of the reservations to white settlement, nor render them subject to occupancy or disposal in advance of the complete fulfillment of the preliminary work of surveys, examinations, etc., and in the case of the "pine lands," after all these preliminaries have been met, the lands must be "proclaimed as in market and offered for sale."

It is perhaps unnecessary, then, that any action should be had at this time other than the approval of the agreement.

Adverting here to the recommendation of the Commission that the Indians of the Red Lake Reservation be allowed to utilize the dead and fallen timber upon their reservation until such time as the survey, appraisement, etc., shall be made, I think this is reasonable, and it seems to me can be done under authority conferred by the act of February 16, 1889 (25 Stats., 673), which provides:

> That the President of the United States may, from year to year in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians.

Under the authority thus conferred, the President, on October 16, 1889, authorized the Indians on the White Earth, *Red Lake*, and White Oak Point reservations to cut and sell dead-and-down timber on their respective reservations, and I see no reason why the cutting and sale of the dead-and-down timber under the authority so granted and the regulations then prescribed may not be continued until the lands are placed upon the market as provided in the Chippewa act of January 14, 1889.

I invite attention to the fact that the instruments presented by the Commission as the result of the negotiations, and as the evidence that the Chippewa Indians in Minnesota have given their consent in writing to the cession and relinquishment of their title and interest in and to the lands as therein set forth, comprise ten parts, marked separately as A, B, C, D, E, F, and H, G, I, K, and L. These, however, in fact constitute as a whole one instrument, and the part marked C, and entitled "Signatures Roll Mississippi Chippewa Indians, White Earth Reservation, Minnesota," should be placed and considered as the first part, for the reason that it is the only part that embraces the text of the act under and for the purposes of which the Commission was appointed.

This is considered necessary, in view of the fact that the act is not recited in the other parts of the instrument, but is referred to therein

as follows: "Which said act is embraced in the foregoing instrument," meaning evidently that part marked C, etc., as above stated.

With this as explanation, and as matter of record for proper understanding of the instruments, I think it would nevertheless be well for the approval of the President to be indorsed upon each of the separate parts of the said instrument.

I further recommend that a copy of the report of the Commission, and of all its accompanying papers (except the census rolls, which are bulky), with copy of this letter of the Department reviewing the same, be submitted to Congress for its information, together with the accompanying draft of bill for making the appropriations herein suggested.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

A BILL to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available, to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January fourteenth, eighteen hundred and eighty-nine, and for other purposes:"

For amount due the Chippewa Indians of Lake Superior and Mississippi, arising from balances of appropriations under treaties with said Indians, and covered into the Treasury between the years eighteen hundred and forty-three and eighteen hundred and seventy-eight, inclusive; also, the aggregate difference between the coin value of payments made in currency during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of five per centum per annum, from the date of said Treasury warrants to June thirtieth, eighteen hundred and ninety, the sum of one hundred and ninety thousand dollars, or so much thereof as may be required, to be expended by the Secretary of the Interior in the purchase of such articles as he may deem best, or in the payment of cash, to be apportioned in accordance with article eight of the treaty proclaimed January twenty-ninth, eighteen hundred and fifty-five, one hundred and ninety thousand dollars.

For compensation for losses and damage sustained by the Chippewa Indians on account of the building of dams and reservoirs on Lake Winnebagoshish, Cass Lake, and Leech Lake, the sum of one hundred and fifty thousand dollars, with interest at the rate of five per centum per annum from the seventeenth day of September, eighteen hundred and eighty-six, up to and including June thirtieth, eighteen hundred and ninety, the sum of one hundred and eighty thousand dollars, or so much thereof as may be necessary, to be paid in cash, per capita, in two yearly installments as follows: Two-thirds to the Pillager and Lake Winnebagoshish bands, now residing or entitled to reside on the Leech Lake, Lake Winnebagoshish, and Cass Lake reservations, and one-third to the Mississippi band, now residing or entitled to reside on the White Earth, White Oak Point, and Mille Lac reservations, one hundred and eighty thousand dollars.

For compensation for forty-six thousand nine hundred and twenty acres of land at one dollar and twenty-five cents per acre, on account of land overflowed in the construction of dams and reservoirs on Lake Winnebagoshish, Cass Lake, and Leech Lake reservations, to be divided in the same manner as the compensation for losses and damages above referred to, and to be paid in cash, per capita, fifty-three thousand six hundred and thirty dollars.

For the purchase and erection of saw and flour mills, agricultural implements; for surveys, appraisals, removals, and allotments; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools, for subsistence and pay of employés, and for such other purposes as the Secretary of the Interior may deem proper, the sum of two hundred and fifty thousand dollars: *Provided*, That this amount shall be

reimbursed to the United States from the proceeds of sales of land ceded by the Chippewa Indians under the act of January fourteenth, eighteen hundred and eighty-nine, two hundred and fifty thousand dollars.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to pay, per capita, to the Chippewas entitled to it, under the act of January fourteenth, eighteen hundred and eighty-nine, the sum of ninety thousand dollars, appropriated by section eight of said act of January fourteenth, eighteen hundred and eighty-nine (Statutes 25, page 645), as first annual payment of interest contemplated and provided for, in lieu of expending it in conformity with the provisions of the above-mentioned act of January fourteenth, eighteen hundred and eighty-nine.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, January 2, 1890.

SIR: Agreeably with your personal request, the 31st ultimo, I have the honor to transmit herewith the final report (in triplicate) of the commission appointed to negotiate with the different bands or tribes of Chippewa Indians in the State of Minnesota, under authority of the act of January 14, 1889 (25 Stat., 642), together with the several agreements entered into, the census of the Indians, and the proceedings of the several councils held with them.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES CHIPPEWA COMMISSION,
St. Paul, Minn., December 18, 1889.

SIR: We have forwarded to your Department by express, December 16, 17, and 18, one copy of the census taken by the Commission of the Chippewa Indians of the State of Minnesota; two copies of the stenographic record of proceedings in the councils held with them by the Commission; one copy of the agreements with the bands in the State, with the original signatures of the Indians attached; and inclose herewith one copy of a summarization of the census and one copy of a summary showing the number of male adults in the various bands and the number of those who signed the agreements.

I shall be obliged if the receipt of the various papers is acknowledged.

Respectfully,

HENRY M. RICE,
Chairman.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs,
Interior Department, Washington, D. C.

UNITED STATES CHIPPEWA COMMISSION,
St. Paul, Minn., December 26, 1889.

SIR: In obedience to instructions from your Office, dated May 24, 1889, accompanied by "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, this Commission met in this city June 11, 1889. After several meetings, it was deemed proper, owing to the deep interest the Right

Reverend Bishop Whipple and his grace Archbishop John Ireland had taken in the welfare of the Chippewas, that they should be consulted. A copy of the following note was addressed to each, dated June 15, 1889:

DEAR SIR: Your church has missions established among the Chippewa Indians in the State of Minnesota, with whom we are instructed to negotiate.

On account of the intimate knowledge you have, and the deep interest you have manifested in the elevation of this race, we deem it proper you should be represented, and it will be a pleasure to the members of this Commission to have with us some one delegated by you who may explain to the Indians any matters affecting their interests which may be presented to them.

In response to this invitation, Bishop Whipple selected Rev. E. S. Peake, who had long resided with these Indians, and Archbishop Ireland selected the Rev. Father Aloysius, O. S. B., a resident priest among them, both of whom accompanied us to Red Lake.

That nothing should be omitted that could enlighten the Indians as to the intent of the Government, we had printed 500 copies of the act of January 14, 1889, and several hundred of the "Act to provide for the allotment of lands in severalty to Indians," etc., approved February 8, 1887. These we caused to be distributed among the missionaries, teachers, and other employés of the Government, as well as traders, mixed bloods, and Indians who read the English language.

Owing to their destitute condition, the Indians were scattered in search of food, their crops having failed the previous season, and much time was taken in collecting them.

The first council was held at Red Lake, June 29, where we remained until July 8. We found them intelligent, dignified, and courteous, but for several days indisposed to give a favorable hearing. The propositions were not as favorable as those made three years ago, which did not require the proceeds of their reservation to be shared with others. The chiefs were opposed to breaking up the tribal relations, fearing that if they were so broken their power and influence would be gone. The young men, however, were heartily in favor of the allotment plan, knowing that if their lands were held in severalty each man's earnings could be used for his own advantage, instead of, as heretofore, being necessarily shared with the idle, but they did not like the provision for providing with other bands, although when it was explained to them that the country from Lake Superior to and beyond the Red River of the North was, by the united efforts of all the Chippewas, taken by conquest from the Sioux, and that had it not been for such united efforts they could not have taken or held the Red Lake Reservation, they admitted the correctness of this statement, but thought some of their neighbors had received more than their due proportion of annuities from former sales.

Among themselves, boundary lines were not very strictly regarded, as those of one band intermarried with and joined such other band as was most agreeable; in fact, the young men roamed about at will. The Chippewas of this State did unquestionably, in early times, hold their lands in common. It was so in 1825, at the time of the treaty at Prairie du Chien, and no other idea would ever have been entertained had not the mistaken policy of purchasing a tract here and there from the bands contiguous thereto been adopted. Of the vast cessions heretofore made, there is little, and in many cases nothing, left to show any benefit derived by the Indians therefrom. This is owing largely to the hurtful practice, so long followed, of permitting their tribal relations to exist.

As a result of the reverence the young men have for their chiefs,

they would not speak in council, but a delegation called upon the commission after adjournment and requested it should have patience, as they had resolved to have a council among themselves, in hope of influencing their leaders, and if successful they would continue to keep in the background. They clearly saw the advantage to them of the propositions made, including the offer of the protection of the law. Their efforts were successful and all of their bands cordially gave their assent by signing the agreement, except a few called pagans, residing upon the north shore of the lake; their head chiefs and others, however, said they had no objections, and would sign when "they saw fulfilled the promises made." We found them very poor, having comparatively nothing to work with, not even farming implements. Years ago they had a sawmill, but from neglect, when a small expenditure would have kept it in repair, it was permitted to go to decay. So for years they have not had lumber to build new or repair old structures, or even make a coffin. They earnestly plead for a sawmill, and also cattle and such other helps as would enable them to commence at once to improve their condition.

They claim, and we think with at least the appearance of truth, that their boundary as surveyed is not in accordance with the treaty lines. We recommend that an engineer of repute be employed to examine and report the facts.

They earnestly asked that they might be permitted to utilize the dead and fallen timber upon the reservation until such time as the survey and appraisal shall be made. As this will be of great help to them and the trees will otherwise be destroyed by fire, worms, and rot, we agreed to support this most reasonable request.

They also begged that they might have an agent, as this reservation is so far (80 miles or more) from the White Earth Agency.

We think the Red Lake Indians, if properly aided, will become self-supporting and useful citizens.

The Red Lake Reservation, which they cede to the United States, contains 3,260,000 acres. The number of Indians occupying the same is 1,168.

The boundaries of the diminished reservation, from which allotments to the Red Lake Chippewas are to be made, are as follows:

Commencing at Thief River at a point on the dividing line between Marshall and Polk counties, as designated on a map published by Rand, McNally & Co., of Chicago, in 1888; thence easterly to a point on the northwesterly shore of Upper Red Lake; thence along the northern shore of said lake to a point due north of a point 1 mile due east from the eastern end of the Lower Red Lake; thence southwesterly to a point on Hay Creek 1 mile from its mouth; thence due south to a point due east of a due westerly line which when extended will run between what is known as the most southerly sugar bush on Red Lake road to White Earth, and north of what is called the "Big Marsh" to Clearwater River (said line being about 6 miles south of Red Lake); thence down Clearwater River to the southwesterly reservation line thence along said line to the place of beginning (excepting the right to use in common all the waterways within the above-described limits).

This is larger than they will eventually require, but as there are swamps and other untillable lands therein, it can not be reduced until after survey and allotment shall be made.

White Earth Reservation, occupied by the Chippewas of the Mississippi, Pembinas, and Otter Tail Pillagers, contains 796,672 acres, of which they cede to the United States four townships of pine land, viz, townships 143, 144, 145, and 146, range 37 west. Residing on this reservation are Chippewas of the Mississippi, 1,169; Otter Tail Pillagers, 657; Pembinas, 218.

The first council was held at White Earth July 17, and the last on July 29. As with the Red Lake Indians, they were suffering for want of food, owing to the loss of their crops by early and severe frosts the season before. All were strenuously opposed to entertaining any propositions until the provisions of article 9, of the treaty of September 30, 1854, made at La Pointe, Wis., was fulfilled, and a settlement had for the damages to their reservation near the headwaters of the Mississippi, caused by building the reservoir dams; provisions for an adjustment in each case was made by the Northwest Commission three years ago in negotiations with them and the Leech Lake Indians, which negotiations have not been acted upon by Congress.

In regard to the treaty of September 30, 1854, it was impossible for us to explain why its plain and unquestioned provisions had not been fulfilled. The Chippewas employed an agent, and a delegation accompanied him to Washington some years ago, and after urgently insisting upon a settlement, there was found due to them the sum of $118,400, which had accrued from balances that had been covered into the Treasury between the years 1843 and 1878. This amount has never been questioned as being due under the treaty stipulations, and in the opinion of this Commission should be included in regular estimates. We gave the most solemn promises that our best efforts would be given to secure justice in this case, believing that we but voiced the intent of the Government in so doing. After giving assurances that justice would be speedily done and that we would bring the attention of the Department to those claims, the acceptance and signing of the propositions made was nearly unanimous.

The following will show that the Indians had been officially informed of the amount due them up to and including the year 1878. (Two-thirds of this amount goes to the Chippewas of Lake Superior, and one-third to those of the Mississippi.)

OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1881.

SIR: I am in receipt of your letter dated the 29th ultimo, in which you state that four years ago you were called to this city to converse on matters concerning your reservation; that while here you were informed that there was due to your people the sum of $118,400; that said sum would be paid in annual installments; that $50,720 thereof was drawing interest, and that said interest would be paid to the Chippewas.

You want to know why these promises have not been kept, and that you be informed in brief what you are to expect, etc.

In reply I have to state that on the recommendation of this office, on the 5th day of April, 1880, a bill was introduced in Congress to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and Mississippi. This bill proposed an appropriation of the sum of $118,406.29, being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years 1843 and 1878, inclusive, and the aggregate difference between the coin value of payments made in currency during the years 1863, 1864, and the amounts due in coin by treaty stipulations with interest at 5 per cent per annum, from date of Treasury warrants to February 6, 1880.

Section 2 of this bill provided that of the above amounts $38,400.29 should be paid to the said Indians and that the remainder, $80,000, should remain in the Treasury to draw interest at 5 per cent, said interest to be paid annually per capita or expended for the benefit of the Chippewas, under the direction of the Secretary of the Interior.

This bill never became a law through the failure of Congress to take action, and this office has exhausted its endeavors to obtain the appropriation named.

Very respectfully,

H. PRICE, *Commissioner.*

AH-KE-WAIN-ZE,
Head Chief of Lac Courte D'Oreilles.
(Care United States Indian Agent, La Pointe Agency, Wis.)

See also the speech of Hon. Jacob H. Stewart, of Minnesota, in the House of Representatives, delivered Monday, February 24, 1879, on the bill (H. R. 6471) making appropriations for civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, as printed in the Congressional Record March 1, 1879, under "Sundry civil appropriation bill." The speech referred to contains the report of the committee upon this subject.

Messengers are now out, sent by the Chippewas of Lake Superior to those of the Mississippi, inviting them to send delegates to meet in convention at Ashland, Wis., on January 11 next, for the purpose of employing claim agents to prosecute and collect the amount found due to and including the year 1878, as stated by the Indian Office, April 5, 1880, viz, $118,400, with interest to date at 5 per cent, $59,200; total, $177,600.

The claim agents expect the Indians to allow them 15 per cent of the amount. It can but be detrimental to the Indians to be thus harrassed, kept in suspense, and finally compelled to pay to others a large commission in order to secure the payment of a just claim against the Government.

These Indians have an old sawmill, but for want of repairs it can not be used.

Their flouring mill, not being properly cared for, was burned a short time ago, but for want of repairs had not been running for several years. Consequently the Indians such as had grain have been compelled to go many miles to have it ground.

When in the settlements of the whites, to say nothing of the expense and loss of time, they are subject to unavoidable temptations. Many have not teams and have to employ others to take their grain to the mills, and after paying transportation and toll leaves but a moiety for their use. The Indians made special complaints in regard to the want of milling facilities. At their request, with the aid of Agent Schuler, we investigated the condition of their farms and found about 5,000 acres seeded in wheat, oats, barley, and vegetables, but owing to the want of rain not more than half a crop will be grown. At least 2,500 acres heretofore cultivated lies fallow for the want of seed and teams.

Here, as well as at Red Lake, Rev. Mr. Peake rendered valuable services.

After completing our work at White Earth we went to Gull Lake, where we found a small band, numbering 277, belonging to the Chippewas of the Mississippi. Some of them had attended the councils at White Earth, and all seemed familiar with the propositions submitted to them. We, however, went through with the explanations in detail, and after consultation among themselves all signed the agreement. They promised to make their permanent home on the White Earth Reservation as soon as they should be furnished with means to enable them to cultivate the soil and to subsist until they can make a living. This agreement was concluded on the 5th of August.

We held the first council at Leech Lake, August 8. We were received at this place with all the pomp and show the Indians could display. Guns were fired and every flag in the settlement was flying. A guard of honor, dressed in war feathers and decorated with paint, greeted us with open arms. We were informed that this guard was for our protection, especially to keep the Pillagers from giving us any personal annoyance. Faithfully did they perform their duty, not only

by day but by night. No Indians were permitted to see us unless accompanied by a detail from this polite and considerate guard, which was master of the situation. The party that originated and organized this body, knowing the object of our mission from the copies of the act we had sent in advance, as well as from persons of their own band who had attended the councils at Red Lake and White Earth, were fully determined that no business should be transacted between the band and the Commission until they should be satisfied that it had the authority to provide for the settlement of outstanding claims. They were polite and courteous, but were resolved to keep us, as well as the uncertain of their band, under the restraint of the guard. They felt that they had been grievously wronged.

After a few days we broke their lines, inducing the chiefs to speak in council who for several days had not been heard. Stormy debates took place in council, accompanied by threats, which afterwards, at the request of the chiefs, the Commission directed to be stricken from the minutes.

These Indians, even the most bitterly opposed, said that had we come empowered to adjust unsettled matters they would not have made any objections to the propositions, nor would they have detained us long. Enough, however, gave their consent as required in writing. Others said that they would assent when they saw a disposition on the part of the Government to right the wrongs they had suffered. We were kept there until August 22. We had to give a solemn promise with raised hands that we would to our utmost ability urge the immediate settlement of unadjusted claims.

On the 21st of August, 1847, the Pillager Indians at Leech Lake, Minn., ceded to the United States a tract of land bounded as follows:

Beginning at the south end of Otter Tail Lake, thence southerly *on the boundary line between the Sioux and Chippewa Indians* to Long Prairie River, thence up said river to Crow Wing River, thence up Crow Wing River to Leaf River, thence up Leaf River to the head of said river, and thence *in* a direct line to the place of the beginning.

This tract contains nearly 7,000,000 acres, and was sold to the Government for about $15,000. The Pillagers parted with it, believing, as they were told, that it was for the occupancy of the Menomonee Indians, a tribe at peace with them as well as with the Sioux. For generations a fierce war had raged between these two last-named tribes. The Pillagers believed that if the friendly Menomonees were between the belligerents peace might follow. By the treaty of October 18, 1848, the United States ceded to the Menomonees the above-described tract in exchange for all their lands in the State of Wisconsin.

The Menomonees, manifesting a great unwillingness to remove west of the Mississippi, by treaty dated May 12, 1854, receded to the United States the foregoing tract in exchange for a part of their old home in Wisconsin and the sum of $242,680, for which the Pillagers received less than $15,000. According to Indian reasoning the consideration stipulated was never paid; that is, the occupancy of said tract by the Menomonees, thus protecting them from the incursions of Sioux war parties.

The Pillagers, at the time of the cession, were told by the commissioners that the said tract would be held as Indian lands are usually held, and that their friends, the Menomonees, would occupy it. The commissioners were Isaac A. Verplank and Henry M. Rice. The Pillagers from the time that they heard that the tract was not to be occu-

pied by the Menomonees, as stipulated, have to this day considered that they have been injuriously overreached. They have never ceased to complain of this, and never will until reparation shall be made. We can not too strongly urge that the Government cause this matter to be carefully investigated, and in some way allow the Pillagers what may be found to be in equity due them. Indians are not unreasonable when fairly dealt with, and as they are about starting out as citizens under this act, aid will be of greater benefit now than heretofore, and is more needful now than it can be at any future time.

As to the damage done by the overflow of the reservoir dams, the Department is respectfully referred to the following communication:

[House of Representatives, Forty-eighth Congress, first session. Ex. Doc. No. 76.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 15, 1883.

SIR: By a provision in the river and harbor act of June 14, 1880 (21 Stat., 193), the sum of $75,000 was appropriated for the reservoirs at the headwaters of the Mississippi River, to be used in the construction of a dam at Lake Winnebagoshish, with the proviso that all injuries occasioned to individuals by overflow of their lands shall be ascertained and determined by agreement, in accordance with the laws of Minnesota, and shall not exceed in the aggregate $5,000, etc.; and by a provision in the river and harbor act of March 3, 1881 (*Id.*, 481), the sum of $150,000 was appropriated for reservoirs upon the headwaters of the Mississippi River and its tributaries, and the Secretary of the Interior is authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying any Indian reservation by the construction of any of said dams, or the cutting or the removal of the trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor, which damages, when determined, to be paid by the United States, with the proviso that such damages shall not exceed 10 per centum of the sums hereby and heretofore (act 1880, $75,000) appropriated for the construction of said reservoirs.

Under these provisions of law Messrs. A. Barnard, of Minneapolis, Thomas Simpson, of Winona, Minn., and Louis Morel, of this Office, were designated by the Department on the 11th of August, 1881, as special agents to ascertain the injury occasioned to friendly Indians by the construction of the reservoirs at Lake Winnebagoshish and Leech Lake, and to determine the amount of damages payable to such friendly Indians as might suffer on account of the construction of said reservoirs; and on the 20th of August the necessary instructions were issued to said agents, defining their duties, and the manner of proceeding to ascertain and determine the damages resulting to friendly Indians.

On the 6th of October, [illegible] these agents submitted their findings and award, which was submitted to the Department on October 18, following, for consideration, and, if approved, to be forwarded to the Secretary of War for settlement under the act of 1881.

The injuries arising from the construction of these reservoirs and the assessments of damages to friendly Indians were considered by these agents and reported in separate schedules, one for Lake Winnebagoshish and the other for Leech Lake, being classified as (1) injuries to individual property, and (2) injuries to tribal property.

The damages were, in the aggregate, at Lake Winnebagoshish, assessed at $8,393.30, and those at Leech Lake, $7,073.60.

These valuations, amounting jointly to $15,466.90, were approved by the Department and forwarded to the War Department, and the money was placed to the credit of the Interior Department for distribution under the award.

The Indians protested against this assessment as being entirely too small, and at one time there was danger of a serious outbreak, but the violence was prevented by the friends of the Indians, with the hope that the question of damages would be reconsidered.

These facts having come to the knowledge of the Department, it was determined to appoint a new commission to assess the damages, and on December 23, 1882, you appointed and commissioned for that purpose General H. H. Sibley and William R. Marshall and Rev. J. A. Gilfillan, who were to serve without compensation other than their necessary expenses. Subsequently General Sibley, on account of ill health, resigned, and R. Blakeley, esq., was appointed to fill his place.

I am now in receipt, by Department reference, of the report of these gentlemen, dated the 4th instant, submitting in detail the result of their findings. They state that it was entirely out of the question for the commission to arrive at a reasonable agreement with the Indians as to the amount of damages by the reason of the construction of the dams; and that the amount of land overflowed has been materially reduced, as indicated in letter of Major Allen, of October 24, 1883, the amount being only 46,920 acres, instead of 101,940 acres, as heretofore reported, and in the aggregate is divided as follows, viz:

Winnebagoshish reservoirs, 23,240 acres; Leech Lake reservoirs, 28,680 acres.

The commission make awards for timber cut, rock taken, and damages to industries, but none for land taken.

Their award is as follows, viz:

Lake Winnebagoshish and Cass Lake:	
Personal property	$1,936.50
Tribal property	3,649.58
	5,586.58
Leech Lake:	
Personal property	105.00
Tribal property	1,075.00
	1,180.00

White Earth and Mississippi bands, pine cut, $3,272.10.

The Commission estimate for these latter bands an annual damage for rice, at 10 cents per pound, $8,610, and for hay, at $28 per ton, $9,800; total, $18,410.

For the Indians at Lake Winnebagoshish and Cass Lake they estimate the annual damage as follows, viz:

Hay	$3,640.00
Loss of fish	4,350.00
Loss of cranberries	300.00
Loss of sugar	100.00
Total	8,390.00

The Commission say that the Indians will be very materially damaged in their industries and will require permanent provision. The total damage awarded by the Commission, outside of resultant damages, is as follows, viz:

Individual property	$2,041.50
Tribal property	7,996.68
Total	10,038.18

The total annual damage awarded by them is $26,800.

The estimate of the Commission for annual damages for rice at 10 cents per pound, and hay at $28 per ton, would appear at first sight to be rather extravagant, but when we consider that over 46,000 acres of land are taken from the Indians without any compensation whatever, it is believed that the estimate is not to high.

There are funds now at the disposition of this Department, under the act of 1881, sufficient to pay the damage awarded for individual and tribal property, $10,038.18, but as the Indians refused to accept the award in this respect of the former Commission, which is some $5,000 greater than that of the present Commission, they will hardly accept the latter unless an appropriation is made to pay the annual damages awarded by the latter Commission.

In accordance with the award of the Commission it will require $36,838.18 for present payment, of which amount, as before stated, $10,038.18 is available, leaving $26,800 to be provided for.

As the acts of 1880 and 1881 make provision for payment of present damages only and none for the payment of annual damages, I am of opinion that this sum for the present year should be treated as a deficiency, and recommend that Congress be asked to attach an item to the deficiency bill, already submitted by this Department, appropriating the sum of $26,800, and that annually hereafter an appropriation of $26,800 be made in order to carry out the award of the Commission.

Very respectfully, your obedient servant

H. PRICE, *Commissioner.*

The SECRETARY OF THE INTERIOR.

It appears by this that the award, amounting to $15,466.90, was without hesitation rejected by the Indians. Is it surprising that they should have done so, when the United States engineer, Major Allen, reported that the number of acres overflowed amounted to 46,920, which overflow destroyed their gardens, their rice fields, their hay lands, their fish, and their graveyards? It is an annual and perpetual loss. The award did not allow 40 cents an acre for the land, to say nothing of the damages occasioned by the loss of their almost sole subsistence.

On December 22, 1882, a new commission, consisting of General and ex-Governor William R. Marshall, Capt. R. Blakeley, and Rev. J. A. Gilfillan, was appointed—practical, thorough-going men, in whose judgment everyone had confidence. After a careful and exhaustive examination these gentlemen estimated the annual damages at $26,800, and the damages to individual and tribal property at $10,038.18.

The Commissioner of Indian Affairs then approved of this award. He said:

> In accordance with the award of the Commission it will require $36,838.18 for the present payment, of which amount, as before stated, $10,038.18 is available, leaving $26,800 to be provided for; and that annually thereafter an appropriation of $26,800 be made, in order to carry out the award of the Commission:

The Secretary of the Interior, in approving of the foregoing, says:

> No award is made by the Commission for or on account of the land taken and occupied in the construction of the reservoirs.

By the fourth article of agreement made by the Northwest Indian Commission (not acted upon by Congress) on the part of the United States and the Pillager Indians, it was agreed that the United States would pay said Indians $150,000, which should be in full satisfaction for losses and damages sustained by them, one-third of said sum to be paid to the Chippewas of the Mississippi, and two-thirds to the Pillagers, etc., from which agreement they never heard until informed by us.

From information received on this subject, this Commission can not recommend a less award than the amount mentioned, viz, $150,000, with 5 per cent interest per annum to date, and $1.25 per acre for the overflowed lands. These Indians have absolutely ceded to the United States 46,920 acres, which can not be sold as provided in the act of January 14, 1889, for their benefit, as it is and must be reserved for the overflow caused by the reservoir dams.

From Leech Lake we went to Cass Lake, holding our first council there August 23, and the last on the 26th of the same month. As many of the Indians of this band attended all the councils at Leech Lake, all they required was that explanation should be made to those who were not present at the latter place. They in strong terms asked that unsettled matters be liquidated as soon as possible. All freely gave their assent and signatures to the propositions.

From there we went to the Lake Winnebagoshish band. We had much trouble in assembling them, as they were out gathering wild rice. Our first council was held August 31, and the last September 2, but we were in almost constant session day and night, as they were anxious to return to their rice fields. Several of the chiefs had attended the councils at Leech Lake, and seemed well informed of the object of our visit. The injury done them in building the reservoir dams was without doubt very great. Two or three of their burying grounds were so washed

by the overflow that the remains of their buried dead were unearthed and scattered along the shore. This desecration but added poignancy to the sorrow caused by the loss of subsistence.

Here, as at Cass Lake, they felt deeply hurt that those who were in the greatest want—the old, the sick, and the helpless young—should have been compelled to *appear in person* at Leech Lake when their annuities were paid or go without them. This harmful practice could be easily avoided by paying to the representatives of such, with the approval of the chief, the amount due. These Indians, like those of Cass Lake, are destitute of aid from the Government, having no missionary, school, farmer, blacksmith, or physician. The Winnebagoshish Reservation is marked upon the map by township lines, which is erroneous, as the treaty fixes its line by natural boundaries beyond those shown by township lines. This has given much dissatisfaction, as whites have settled between the two lines, and consequently upon the reservation, as the Indians claim. The matter should be adjusted. Every adult male of the band gave his assent to the agreement.

On September 5 we held a council with a part of the White Oak Point Indians at Payment Point; on the 6th at White Oak Point, and on the 7th near Grand Rapids. Most of these Indians showed such signs of dissipation and consequent degradation as would lead one to fear they were beyond the hope of improvement. They seem aware of their condition, and tremblingly asked that whisky might be kept from the county. They also asked that missionaries and school teachers be sent them. They seemed like lost wards of the Government, who had fallen into the hands of their worst enemies, the whisky sellers. All present gave their signatures.

From the last point we sent our messengers to find the scattered members of other White Oak Point bands, and succeeded in gathering them at Kimberly, a water tank station on the Northern Pacific Railroad, where we held the first council September 19, and our last on the 23d. The two leading chiefs had attended the councils at White Earth, and had made known to their people the object of our mission. We found these people healthy in body and mind, unusually bright, and careful of self. All were anxious to acquire land in severalty, and the young men were eager to find work. Their very appearance indicated a working and industrious class. They said they had been forced to look for subsistence outside of their reservation. Their bands numbered one hundred men. All except one signed the agreement.

On the 2d of October we met the Mille Lac Indians, and were with them until the close of the 5th, and almost constantly in council

Contrary to the general opinion, we found them intelligent, cleanly, and well behaved. Their neighboring white settlers gave them a good name. Some who had been on these borders for many years said they had never been molested in person or property by them. Upon this reservation there are a large number of whites, who have made claims thereon, and even many of these testified to the harmless conduct of the Indians. Their principal fault seems to lie in possessing lands that the white man wants.

This reservation was set aside for their use by treaty of February 22, 1855, and was guarantied as their permanent home. By this treaty land was to be plowed and prepared for cultivation. As a sample of injustice to them we were told that the land had been plowed several miles north of their reservation, and not a foot for their use thereon.

To satisfy ourselves of this, we visited the place designated (lots 1 and 2, section 13, township 44, range 28 west) and ascertained from the then occupant, a very respectable citizen by the name of Dinwiddie, that his farm embraced the improvement mentioned, which had been made before he purchased.

By the treaty of March 11, 1863, this reservation was ceded to the United States, but by a proviso in article 12 it was stipulated—

That owing to the heretofore good conduct of the Mille Lac Indians they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites.

By article 4 of same treaty it was agreed that the United States should clear and stump and grub and break for the Mille Lac band, upon said reservation, 70 acres of land, which confirmed the belief that they were not only permanently located, but had the sole occupancy of the reservation.

In the treaty of May 7, 1864, which was intended to supersede the one last alluded to, article 4 makes the same stipulation as to the breaking of 70 acres of land, and by article 12 a promise as to their living thereon, the same as provided by the treaty of March 11, 1863.

The Interior Department now holds that—

The Mille Lac Indians have never forfeited their right of occupancy and still reside on the reservation.

But, notwithstanding this, white men have been permitted to rob them of their pine, and for years to settle upon their agricultural lands, and there to remain in quiet possession to this day, to the great injury and fear of the Indians. Some of the whites had the shameless audacity to take from the Indians land the latter had, with much labor and perseverance, put into cultivation. Squatters are now settling upon this reservation, and the interest of the Indians ignored.

There are many persons upon the Mille Lac Reservation who went there believing that they had a right so to do. They were induced to believe so by the action of persons who not only sought the rich pine forests thereon, but actually secured, as is believed, patents to many acres thereof. It is possible matters can be so arranged as to give in some way protection to the well-intentioned but misled whites who have made homes upon this tract; but be that as it may, the question of right should be settled at the earliest possible moment, for the greater the delay the more difficult will be its adjustment.

All present assented to the agreement and signed the same.

One council was held at Grand Marais, with a part of the Grand Portage band, October 20. These Indians accompanied the Commission to Grand Portage, where councils were held October 23, 24, and 25. At these councils the Indians gave very marked attention, and at the last council expressed themselves as fully understanding and fully satisfied with the terms of the act, and signed the article of agreement with much cheerfulness and unanimity. These Indians complain that white fishermen spread so many large nets near their reservation that the Indians are unable to procure a supply of fish for food.

Bois Forte and Vermilion councils were held November 9, 10, 11, and 12.

At the first council the Indians seemed timid and distrustful. Indeed, the Vermilion Lake and Net Lake parties seemed to distrust each other, and declined to enter into the discussion of the subject presented to

them. Subsequently better councils prevailed and the Indians announced that they should hereafter act as a unit. From this time the discussion was entered into with freedom and cheerfulness, and finally resulted in their "touching the pen" with great solemnity and much formality.

These Indians have the best hunting grounds of any of the Chippewa bands, there being contiguous to them an immense tract of timber land over which the white man seldom passes. They seem willing to learn to till the soil, but ask for better facilities. When asked how they cultivated their potatoes, these men of the North say they drove a stake into the ground and pried up the earth, and then made it fine with their hands. Much of the lands on the Lake Superior Reservations is unfit for cultivation. And it is believed that if representatives from these bands can visit White Earth, many of them will cheerfully remove there. The Bois Forte Indians complain that they have been despoiled of a large amount of timber cut from their reservation, which is run down Little Fork River to the British possessions. We promised to call the attention of the Department to this.

At Fond du Lac the first council was held November 18, and continued daily until and including November 21.

It will be seen by the proceedings that Nah-gah-nub, the head chief, did much of the talking. He is a very old man and not in his prime, physically or mentally, but is respected by all. Many of his band for want of work (the cutting of timber on this reservation having been suspended by order of the Department) are in great danger of suffering during this winter and coming spring. Heretofore, while permitted to cut timber, they were well to do and contented.

Like all of the Mississippi bands, they feel greatly grieved at the long-continued withholding of the money due them from the Government. Our positive assertions that justice should speedily be done, not only in this respect, but in the matter of a palpable error in the boundary lines of their reservation, induced them to listen attentively to the propositions submitted, and all touched the pen.

By the fourth article of treaty at La Pointe, September 30, 1854, it is stipulated that the Fond du Lac Reservation shall embrace the following boundaries:

> Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of the beginning. And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency.

Whoever was sent to make a survey of this reservation followed the last clause of the article, and by his survey limited the area to 92,346 acres, the north end of his survey line on the west not reaching within 12 miles of the mouth of the Savannah River, thus defrauding these Indians of over 100,000 acres, which lands were put into the market and long ago disposed of by the United States; and for over a quarter of a century this injustice has been permitted to exist, a festering and deep-seated cause of complaint against the Government. The Indians at the time of the making of the treaty had the boundary lines definitely fixed, by natural lines to them unmistakable. They knew no more about acres than they did of the mariner's compass.

We had no hesitation in promising that the Government would speedily remedy this grave error.

As the various bands decided to take their allotments on their respective reservations, and have constructively done so, we told them that the $90,000 to be advanced and already appropriated would be paid pro rata as soon after the approval of these negotiations by the President as should be practicable, but not later than the coming spring. The amount will be so small to be paid to each individual that it is not probable that any will elect to receive anything but money. As they are in the most destitute condition, and as we gave them to understand that the money would be so paid, we trust neither the Indians nor the Commission will be disappointed in this.

The clause of the act of January 14, 1889, providing for the payment of the interest that may accrue on the permanent fund, was to us obscure inasmuch as it says "one-half of said interest shall be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use, and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians," etc., and as we could neither explain this to the Indians or comprehend it so as to give it such an interpretation as would do equal justice we promised the cash payment should be made, per capita in equal shares.

Wherever we went the Indians expressed a desire that the Government would set aside a sufficient quantity of land upon each reservation for Government buildings, such as may be necessary for physician, blacksmith, farmer, carpenters, and for missionaries, traders, etc. We hope this will be done, and that order, as to the location and the erection of all such buildings, will be enforced.

They also requested that upon each reservation a tract of pine land be reserved and held by the General Government, as might be necessary for their common use, and to be so held during the pleasure of the Secretary of the Interior. We earnestly commend this request.

They all earnestly plead for sawmills, cattle, agricultural and mechanical implements, which they must have or they can make no substantial progress. They must be assisted in breaking and fencing land, building houses, and with provisions, until they can sustain themselves. They are no longer tribal Indians, but citizens at present helpless, and must be treated as such. The sawmills are of the utmost importance, for at present nearly all live in single-room wigwams or huts, where privacy is unknown, without or within. To return young boys and girls to such abodes who have been educated in refined and chaste society at Government schools in the East will be destructive to their morals and a loss of the expense incurred.

Although the Indians have decided to take their allotments upon their reservations, it will not be well, in many cases, they should do so, and we believe that if rightly cared for, many can be induced in the near future to remove to White Earth. For this reason it may not be prudent to urge the making of individual allotments upon other than White Earth and Red Lake reservations at present.

According to the established custom, none but chiefs and headmen speak in council, but at various places others conferred with us by day and by night, and many as individuals expressed a desire to remove to White Earth as soon as provision can be made for their subsistence. Their removal should be encouraged, as it will be of the greatest benefit to the Indians and to the State. It is now impracticable to

make allotments upon any save the White Earth Reservation, and will be until the others shall be surveyed. All but the White Earth and a part of the Red Lake Reservation, are heavily timbered and unfit for cultivation without a heavy expenditure of money and labor, and at best can not for many years be profitably farmed; and it is doubtful, now that the game has nearly all disappeared, if for several years they can raise enough for self-support.

As 10 acres of maple timber for sugar making is a large tract for one family, they requested that, to accommodate as many as possible, 10 acres only, by legal subdivisions, should be allowed each family now occupying the same. We promised to ask that this most sensible request be granted.

As the four townships of pine land ceded to the Government, of the White Earth Reservation, have been surveyed, and as the timber is liable to be stolen or burned, the Indians desire an early estimate and sale of the same.

On some of the reservations there are swamps of valuable cedar and tamarac which can not be cultivated or sold for agricultural purposes, and the land is liable to be denuded of the timber by trespassers. The Indians request that such land be withheld from sale under the preemption laws, and that the Secretary of the Interior be authorized to cause the same to be sold in such manner and upon such terms as to him shall seem best for their interest.

It is reported and believed that upon the Grand Portage, Bois Forte, and Vermilion reservations there are valuable mines, and that if such are discovered after examination they shall be disposed of by the Secretary of the Interior so as to best subserve the interests of the Indians. This is in accordance with their request.

A further appropriation for surveys and examination of lands will be necessary. The pine ceded is estimated by various parties to reach in value from twenty-five to fifty millions of dollars. A small appropriation can be used for the purpose of defraying the expenses of Indians from a distance who may desire or can be pursuaded to visit the White Earth Reservation with the expectation of removing thereto before allotments shall be taken or confirmed elsewhere.

Provision should be made for a mill, furnishing cattle, and farming implements, etc., to enable the Red Lake Indians to commence farming and building houses the coming spring.

The head chief of the Pillagers, Flatmouth, has for several years resided in Canada, his sister, Ruth Flatmouth, is in her brother's absence the acknowledged Queen, or leader of the Pillagers; two other women of hereditary right acted as leaders of their respective bands, and at the request of the chiefs were permitted to sign the agreements.

In taking the census, which was a tedious work, we took unusual pains to see that all rightful persons were included, and in every case not only submitted it to the chiefs and leading persons of the tribe, but secured their presence and assistance. After having explained to them the importance of accuracy, they fully and earnestly gave their best efforts to insure its correctness.

United States Agent B. P. Schuler accompanied us to each and every band within his jurisdiction, and gave us most valuable official as well as personal assistance.

M. A. Leahy, United States agent at Ashland, joined the commission at the Fond du Lac Reservation and rendered us material aid.

Father Aloysius, O. S. B., was with us at Red Lake, White Earth, and Leech Lake, and at all times used his influence in the interest of our work.

In no instance did we encounter opposition from the traders or white men, husbands of Indian women; on the contrary all readily gave such assistance as they could. We feel warranted in saying that there was not an Indian who was not fully informed of the purport of our mission, and that the assent of all would have been obtained had authority been given us to put in the way of adjustment unsettled claims.

In the expenditures incident to the long distance traveled, the length of time consumed, the number of Indians we were compelled to subsist, and the large force we had to employ as messengers in taking the census and aiding in securing the signatures of such only as were authorized to sign the agreements, and making in duplicate said agreements, and in triplicate the census rolls, we have had constantly in view the injunction of "observing and practicing the utmost economy."

Among the Indians are many well-educated mixed-bloods, who will be of great assistance in leading the unenlightened onward.

In Michigan, Wisconsin, and elsewhere we know there are persons of Chippewa blood that will claim, and no doubt many are entitled to, the benefits under the recent negotiations, who were, from their higher education and associations, forced to separate from their bands and seek a living and more congenial society elsewhere, who, now that they can hold lands in severalty and come under the protection of the law, will return to their old homes; for such consideration should be given hereafter. We think, however, that the safe rule to be observed will be to consult the chiefs and headmen as to the justice of their claims.

To enable the Indians to commence their new life in such a way as will, *without loss of time*, encourage them to follow all industrial pursuits possible, it is evident a sum should be advanced by the Government sufficient to enable them, with their labor, to put as much land under cultivation and build as many homes as practicable. At each and every place, either in open council or in private consultation, they were urgent in requesting such aids as are indispensable to white men. Especially, all not pagans expressed a decided preference for mission schools, deeming it essential that the morals of their children, as well as their education, should receiv careful attention.

If this shall be done and the Indians are properly guided, the most happy results may be expected to follow.

Give the Indian justice, kind and patient treatment, and his confidence can be gained, and by a wise hand he can be started on the road to a useful life. He is naturally trustful, with strong attachments for those he believes to be his friends. To his enemies and to those he distrusts, a different nature will be unmistakably visible.

In carrying out this new departure, many details must be considered. Of the final result of this most beneficent measure, properly put into execution, there can not be a doubt.

Respectfully,

HENRY M. RICE.
MARTIN MARTY.
JOSEPH B. WHITING.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs,
Interior Department, Washington, D. C.

Schedule showing the number of acres in the Chippewa reservations in the State of Minnesota.

Bois Fort	107,509
Deer Creek	23,040
Fond du Lac	92,346
Grand Portage	51,840
Leech Lake	94,440
Mille Lac	61,044
Red Lake and Pembina bands	3,200,000
Vermillion Lake	1,080
White Earth	796,672
Winnebagoshish, Cass Lake, and White Oak Point	329,000
Total	4,747,931

Name of band.	Number in each band.				Number assenting.
	Adult males.	Adult females.	Minors.	Total.	
Red Lake and Pembina Chippewas	386	422	578	1,386	321
Mississippi Chippewas	934	854	1,414	3,002	688
Pillager and Lake Winnebagoshish	600	649	959	2,208	46
Grand Portage Chippewas	73	85	136	294	72
Bois Forte Chippewas	228	224	291	743	211
Fond du Lac Chippewas	157	187	327	671	125
Total	2,378			8,304	1,884

A.

SIGNATURE ROLLS RED LAKE BANDS OF CHIPPEWA INDIANS, MINNESOTA.

We, the undersigned, being male adult Indians over eighteen years of age, of the tribes or bands of Chippewa Indians occupying and belonging to the Red Lake Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding, the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of said Red Lake Reservation as is not embraced in the following described boundaries, to wit:

Commencing at the point on Thief River where the same crosses the line between Marshall and Polk counties, thence easterly to the most northwesterly point of the upper Red Lake, thence easterly along the northerly shore of said upper Red Lake to a point due north of a point 1 mile east from the easterly end of the lower Red Lake, thence due south to the last-named point, thence southwesterly in a straight line to a point on Hay Creek 1 mile from where said creek enters the lower Red Lake, thence south to a point from which a line extending west passes midway between what is called the "big marsh" and the sugar bush north of and nearest to said marsh, said sugar bush being on the Red Lake and White Earth road; thence west along said line between said marsh and sugar bush to Clear Water River, said line being supposed to be about 6 miles south of the lower Red Lake; thence northwesterly along said Clear Water River to the point where said river crosses the boundary of Red Lake Reservation as the same has heretofore existed, thence along said reservation line to the place of beginning, as designated on a map published in 1888 by Rand, McNally & Co., of Chicago, Ill. (but all waterways within the reservation above described are to be free for commercial purposes to all citizens of the United States), for the purposes and upon the terms stated in said act, which said lands embraced within the foregoing boundaries have been reserved by the commissioners appointed under

said act and as therein authorized for the purpose of making and filling the allotments therein provided for.

Witness our hands and seals hereto subscribed and affixed at the Old Red Lake Agency, on the Red Lake Reservation, in the State of Minnesota, this 8th day of July, 1889.

HENRY M. RICE [SEAL],
JOSEPH B. WHITING [SEAL],
Commission.

B. P. SHULER,
United States Indian Agent.

W. C. HUBBELL,
Secretary to Commission.

No.	Indian name.	English name.	Age.	Mark and seal.
1	May dway gah no nind	He that is spoken to	82	His x mark. seal.
2	Nah gon e gwon abe	Leading Feather	71	Do.
3	Mays co co naw ay	Mosse Dung	64	Do.
4	Ah nah me ay ge shig	Praying Day	63	Do.
5	Naw ay tah wowb	Little Thunder	41	Do.
6	Ah sin e we ne nee	Stone Man	32	Do.
7	Nah wah quay ge shig	Noon Day	32	Do.
8	Yaw waw we nind	The one that is mentioned	18	Do.
9	Pay she ge shig	Striped Sky	22	Do.
10	Gay bay gah bow	Ever Standing	43	Do.
11	Gay bay guon	Long Feather	48	Do.
12	O bin way way ge shig	Sounding Sky	59	Do.
13	Bay baw me ge shig ways Kung.	Traveling all over the Sky	44	Do.
14	Pah se nos	Slapping off flies	69	Do.
15	Wending	From whence come the wind	58	Do.
16	Che be nais see	Big Bird	53	Do.
17	Gay bay gah bow	Ever Standing	43	Do.
18	John English		25	Seal.
19	Ish quay Kah mig	World's End	45	His x mark. seal.
20	Waw we ay cah mig	Universe	39	Do.
21	Tay be ge shig	Sky Reacher	43	Do.
22	May sko ge gish wabe	Red Sky	44	Do.
23	Waw bish ke gunzh	White toe nails	64	Do.
24	Chee ge shig	Horizon	48	Do.
25	Gah gonce	Little Porcupine	45	Do.
26	Ay squay gah bow	The Last Standing	52	Do.
27	Nun da waw wis	Berry Hunter	68	Do.
28	Kay bay os	Completed	65	Do.
29	Tom Gorneau, or Ay waa use ge shig.	Behind the Sky	29	Do.
30	Bay nway way be nese	The sound of a flying bird	41	Do.
31	Kay ne wense	Little War Eagle	41	Do.
32	Oge mah womb	The official Setter	24	Do.
33	George Bassette		31	Do.
34	Kay bay nodin	End of the Wind	62	Do.
35	Way Way	Brant	44	Do.
36	A. R. Jourdan		46	Seal.
37	Ne bow	Standing	37	His x mark. seal.
38	Ne oge shig	Four Kys	62	Do.
39	Pe ge gaw bow	Coming forward	52	Do.
40	May shaw Ke gah bow	Standing on the edge of the Earth	40	Do.
41	O Maw zaw we gah bow	Standing Straight	36	Do.
42	Amos Big Bird		26	Seal.
43	William Sayers (Negaun o say)		24	Do.
44	C. A. H. Beaulieu		45	Do.
45	Frank Gorneau		43	His x mark. seal.
46	Way we she guon ayosh	Proud Feather	60	Do.
47	Kay ge Ke naw woush e Kung	The Mimic	31	Do.
48	Om be ge shig	Raising Sky	29	Do.
49	Waw bish Kosh	Durty White	21	Do.
50	Kay we taw ge new	Round War Eagle	47	Do.
51	Henry Defoe, or Shandon		42	Do.
52	Alixis Jordin		73	Do.
53	Louis Jordin		24	Do.
54	Alixis Go Teau, or Me sah bay		26	Do.
55	Wen ge mah dub	Everlasting Sitter	34	Do.
56	Naw gaw ne gaw bow	Standing Ahead	42	Do.
57	A be taw aw nah quod	Half Sky	54	Do.
58	Kah ge gay nung	Everlasting Star	39	Do.
59	Alixis Jordin		31	Do.
60	I caw be dub	Always Sitting	36	Do.
61	Shaw gos se Kung	Conqueror	22	Do.
62	Gah ge gay aw naw quod	Everlasting Cloud	30	Do.
63	Way way nub	Taking a Seat	19	Do.
64	May Sko guon	Red Feather	38	Do.
65	Maw ge ke wis	Evil Spirit	30	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
66	Ke new	War Eagle	21	His x mark. seal.
67	An daw so ge shig	Every Day	42	Do.
68	An daw so Ke new	All War Eagles	19	Do.
69	Me zee way Ke new	War Eagle all over	29	Do.
70	Francis Gurneau (ah wun e gah bow).		20	Do.
71	Nah ge sheeve	Little guts	44	Seal.
72	Gah gay ge shig	Everlasting Day	76	His x mark. seal.
73	J. C. Roy		27	Seal.
74	James Fairbanks		21	Do.
75	Wen daw be tung	From where he sits	57	His x mark. seal.
76	Ko ge ge we ne nee	Rainy Lake Man	39	Do.
77	Alixis Jordin		39	Do.
78	she nah gwon	The Lance	46	Do.
79	Waw baw ne quay or Waw we ay ah ne qay.	Round hair	24	Do.
80	John Beaulieu		18	Seal.
81	J. B. Jourdan		18	Do.
82	Roderick McKenzie		36	Do.
83	Mah mense	Little Sturgeon	40	His x mark. seal.
84	Ah be taw ge shig wabe	Half sky	41	Do.
85	Be waw ble o guon	Iron Feather	32	Do.
86	Ke be wa o say	Whispering while walking	53	Do.
87	Joseph Jordin		60	Do.
88	Ne gon e ge shig wabe	Forward sky	25	Do.
89	On ge ge shig	Changing sky	22	Do.
90	Ke we taw ge new	Around the War Eagle	26	Do.
91	May tum e ge shig	First sky	70	Do.
92	Say ge tow	Fearing	74	Do.
93	O gah bay aw mah ge wabe	Succeeded up hill	54	Do.
94	Ke we taw ge shig	Around the Sky	42	Do.
95	Bay baw aw ah nee	Tracks Making	23	Do.
96	Kaw we taw bid	Setting Around	36	Do.
97	Kah ge gay be naise	Everlasting Bird	33	Do.
98	Ay naw we guon abe	Leaning Feather	44	Do.
99	Ah Ke wen zee	The aged	32	Do.
100	Waw co shenee	Peaked Beak	44	Do.
101	May dway cum ig ish Kung	shaking the ground as he walks.	28	Do.
102	Kaw gish co nah way	The Dandy	39	Do.
103	Be co genee	Little pot gut	31	Do.
104	Paul Red bird or Ke way Ke new.		29	Do.
105	Waw bish co be naise	White Bird	26	Do.
106	George Brown or Te bish cash woun.		19	Do.
107	Kah ge she bosh	Whirl Wind	72	Do.
108	Ogah bay ge gid	End of the talk	42	Do.
109	O ge nah waw ge wabe	Chief of the Mountain	29	Do.
110	Te bish co Ke new	Same as War Eagle	35	Do.
111	Ne she cay be naise	Lone Bird	42	Do.
112	May mash Kow we gaw bow	Strong standing	48	Do.
113	Aw waw ne ge shig	Foggy Day	63	Do.
114	Jacob Red bird or Nay she kay way we dung.		18	Do.
115	Be ge gonee	Little tripper	30	Do.
116	Joseph Gerneau		23	Do.
117	Be taw waw naw quod	Between the sky	60	Do.
118	Kay zhe guon ay osh	The fast feather	52	Do.
119	Bo naw Ke aw nah quod	Anchored Cloud	18	Do.
120	Joseph Jordin		36	Do.
121	Nay saw waw ge wabe	Between hills	22	Do.
122	Peter Jordin		55	Do.
123	Miss co ge new	Red War Eagle	30	Do.
124	Waw gaw nway we dung	Foremost Echo	22	Do.
125	Che ge shig onee or may e nay be nis.	Little Sky	19	Do.
126	John Bph Ray		69	Do.
127	May maw ge gaw bow	string standing	20	Do.
128	Bah be dwa we dung	Coming Echo	21	Do.
129	Kay bay o saw dung	Walking all over	19	Do.
130	Nay nee gah cah me gish Kung	He that thaws the earth	19	Do.
131	Henry Wendling or Bah gah say we ge shig.		18	Do.
132	Way ge mah waw be tung	Official setter	44	Do.
133	Ah Ke wen zee	Aged	18	Do.
134	O zhe naw we ge shig	Ringing Sky	46	Do.
135	Way me tigo shense	Little Frenchman	68	Do.
136	Baptiste Lawrence, jr		18	Do.
137	Frank Jordin, jr		20	Do.
138	Bazile Thunder		19	Do.
139	Shay waw nah cah migish Kung	Treading the Southern Earth	51	Do.
140	Gog gog e or Gah go ge ee	The Crow	52	Do.
141	Joseph Naw din		70	Do.
142	Kaw om bah	Up Riser	46	Do.
143	May dwa gah zhee	Rattling nails	27	Do.
144	Me ge senee	Little Eagle	20	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
145	Nah baus co youn	Marrow fat bag	51	His x mark. seal.
146	Che ah ne she nah bay	Big Indian	71	Do.
147	Ay se ne was ge wabe	Rocky Mountain	74	Do.
148	Waw Kenee or Be dway way Ke shig.	Coming sounding day	31	Do.
149	Be zhe Kenee	Calf	62	Do.
150	shay nah we gunzh	Rattling nails	52	Do.
151	Te bish Kenee	Little Equal	35	Do.
152	Way shaw woush quaw tug	Green Hair	84	Do.
153	Way taw we gah baw	Knows how to stand	60	Do.
154	Que we saince	Alfred Jordin	37	Do.
155	Waw baush	Bleached	48	Do.
156	O Mah Kaw Kee or Way on dah cah migish Kung.	Toad	57	Do.
157	O Mah Kaw Kegnee or Zaw wah ge wabe.	Little Toad	25	Do.
158	Bazile Lawrence		22	Do.
159	Louison		25	Do.
160	Tah bous e go nay aush	Low sailing feather	37	Do.
161	Way me guon id	He that has feathers	24	Do.
162	Ay oue wh or tiah ge gay ah be getah.	Sitting in the fang	21	Do.
163	Num ainee	Little Sturgeon	40	Do.
164	Bazile Lawrence, jr		18	Do.
165	Way me tigo zheance	Little Frenchman	32	Do.
166	Ah gwe tah we ge shig	Double day	19	Do.
167	Bay baw maush	The Sailor	18	Do.
168	Qway Ke gah baw	Turning around	23	Do.
169	Kay me woun ah nah quod	Rainy Cloud	38	Do.
170	Say che wah be tung	Brave Setter	18	Do.
171	shaw gah nah shee	Englishman	19	Do.
172	Francis Jourdon		44	Do.
173	Ah se ne waw cah nig	Stoney ground	41	Do.
174	Nay taw way wance	The Musician	68	Do.
175	Nay nah e guon abe	Fixing his feathers	57	Do.
176	Ke new	War Eagle	46	Do.
177		Frank J. Johnson	39	Do.
178	o ge mah ainee	Little Chief	34	Do.
179	Be dway way ge shig	Coming sounding sky	37	Do.
180	Kay ge she guon abe	The last feather	29	Do.
181	Patrice Jourdon		32	Do.
182		Johnny Spees	20	Seal.
183	she bah be nais	Bird going under	18	His x mark. seal.
184		John Bapt Lawrance	44	Do.
185	shaw bow cum ig ish Kung	Going through the ground	49	Do.
186	Baw on be guon abe	Rising feather	18	Do.
187	Ash quay gunz	Last toe nail	20	Do.
188	Kah qegay aw tung	Everlasting Star	18	Do.
189	Chen go goun	Rattling feather	18	Do.
190	Say Ke quon abe	Meeting feather		Do.
191	Kay we taw be nais	Around the Birds	22	Do.
192	Kah gay cum e guob	Forever sitting on the earth	72	Do.
193	Pierre Bottineau		72	Do.
194	George P. Bottineau		24	Do.
195	Charles C. Bottineau		25	Do.
196	sydney Bottineau		31	Do.
197	William Bottineau		28	Do.
198	Norman Bottineau		21	Do.
199	John Reiche		35	Do.
200	George P. Johnson			Do.
201	Nah me won ish Kung	Sailing with a fair wind	90	Do.
202	Te bish co be nais	The Equal Bird	75	Do.
203	Waub ish Ke gwon ay aish	White feather	35	Do.
204	Way woush Kay shetuce	Little Deer	56	Do.
205	L. L. Little Deer		28	Do.
206	Ah se ne wah cah nig	Stoney ground	41	Do.
207	Nah taw way wetice	He that is fluent	18	Do.
208	Xavier Naddow or Que we zance.		19	Do.
209	Ke me wun e ge shig	Rainy Day	29	Do.
210	Ne gaun e bin ais	Leading bird	42	Do.
211	Ah che dum o	Squirrel	40	Do.
212	Kah nah wah de nah	Catcher	86	Do.
213	Ke me wun	Rain	26	Do.
214	Ne she Kay we g h baw	standing alone	58	Do.
215	Ah Ke wah ge gin dung	He who grows with the earth	83	Do.
216	Wah be mo ge chow gwaun	Looking Glass	36	Do.
217	May gway aun ah guod	Among the clouds	20	Do.
218	Tay dah cum o say	Walking to the end	36	Do.
219	Ke che i ah bay	Big Buck	74	Do.
220	We pe che or We be geau	Gold Eye Fish	53	Do.
221	Mis quah dais cence	Turtle	42	Do.
222	Ah sah waince	The Ferch	42	Do.
223	Be waush		45	Do.
224	Wah say Ke shig	Frank Big Star	28	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
225	Nay gah bew		36	His x mark. seal.
226	Nay zhaw se gah day		28	Do.
227	Nah zah Ke gwon ahe		26	Do.
228	Kay she way waince		24	Do.
229	Bah me che new ay Ke shig		19	Do.
230	Ke shig quay shung		18	Do.
231	Ke new e gwon ay aush		18	Do.
232	Ah be tah Ka Kake		80	Do.
233	Kah gay Ke shig		24	Do.
234	Kay bay gah bew		44	Do.
235	Zo zay		28	Do.
236	Nah gon ah quoh aung		60	Do.
237	Ay Won aub		45	Do.
238	Way jon		22	Do.
239	Nay zhe gay bin ais		60	Do.
240	Kah gay bin ais		30	Do.
241	Netow e ke bin ais		43	Do.
242	May quom e waun ick		70	Do.
243	Nay nah pah do		68	Do.
244	Kah we tah cum ig ish Kung		28	Do.
245	Mush co da we we nee		42	Do.
246	Me zhuck e bin ais		38	Do.
247	Shay shay waush		49	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Red Lake Reservation whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
M. C. ENGLISH,
Interpreter.

JOHN ENGLISH.
H. H. BEAULIEU.

RED LAKE RESERVATION, MINN., *July 8, 1889.*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

A. R. JOURDAN.
J. E. PERRAULT.

G. A. MORRISON.
ROBERT FAIRBANKS.
W. R. SPEARS.

RED LAKE RESERVATION, MINN., *July 8, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing, negotiated with the Red Lake bands of Chippewa Indians in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

B.

SIGNATURE ROLLS, PEMBINA BANDS OF CHIPPEWA INDIANS, WHITE EARTH RESERVATION, MINN.

We, the undersigned, being male adult Indians over eighteen years of age, of the Pembina tribe or band of Chippewa Indians, occupying and belonging to the White Earth Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said

act is embodied in the foregoing instrument, and, after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of said Red Lake Reservation as is not embraced in the following described boundaries, to wit:

Commencing at the point on Thief River, where the same crosses the line between Marshall and Polk counties, thence easterly to the most northwesterly point of the Upper Red Lake, thence easterly along the northerly shore of said Upper Red Lake to a point due north of a point 1 mile east from the easterly end of the Lower Red Lake, thence due south to the last-named point, thence southwesterly in a straight line to a point on Hay Creek 1 mile from where said creek enters the Lower Red Lake, thence south to a point from which a line extending west passes midway between what is called the "Big Marsh" and the Sugar Bush north of and nearest to said marsh, said sugar bush being on the Red Lake and White Earth Road; thence west along said line between said marsh and sugar bush to Clear Water River, said line being supposed to be about 6 miles south of the Lower Red Lake; thence northwesterly along said Clear Water River to the point where said river crosses the boundary of Red Lake Reservation as the same has heretofore existed; thence along said reservation line to the place of beginning, as designated on a map published in 1888 by Rand, McNally & Co., of Chicago, Ill. (but all waterways within the reservation above described are to be free for commercial purposes to all citizens of the United States), for the purposes and upon the terms stated in said act, which said lands embraced within the foregoing boundaries have been reserved by the commissioners appointed under said act and as therein authorized for the purpose of making and filling the allotments therein provided for.

Witness our hands and seals hereto subscribed and affixed at the White Earth Reservation in the State of Minnesota, this 20th day of July, 1889.

{SEAL.} HENRY M. RICE.
{SEAL.} JOSEPH B. WHITING,
Commissioner.

B. F. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Secretary to Commission.

No.	Indian name.	English name.	Age.	Mark and seal.
1	shay shay way ge shig	sounding Day	62	His x mark, seal.
2	Weese		80	Do.
3	Kah ge way ge shig	Retiring Day	45	Do.
4	Kay bay quon ays nush		45	Do.
5	Gah she ge shig		38	Do.
6	Wah be bay Kake		18	Do.
7	Solomon Blue		35	Do.
8	Way saw zoo be quish ung		24	Do.
9	Mah Kah tay wis	Black Color	22	Do.
10	Osh Ke on ay	The Young Man	30	Do.
11		Joseph F. Perrault	47	Seal.
12		Peter J. Perrault	23	His x mark, seal.
13		Patrick L. Perrault	21	Do.
14		Romain Perrault	19	Do.
15		Antoine Perrault	24	Do.
16		Frank Lequier	52	Do.
17		Bruno Lequier	23	Do.
18		Charles saice	30	Do.
19		Charles A. Saice	21	Do.
20		Gabriel saice	23	Do.
21		Frank saice	26	Do.
22		Antoine Villebrun	87	Do.
23		Cuthbert Villebrun	35	Do.
24		Peter Martin	28	Seal.
25		Alex. Turpin	51	His x mark, seal.
26		Fred Turpin	27	Do.
27		William Turpin	31	Seal.
28		Joseph Martin	63	His x mark, seal.
29		Lewis Martin	24	Seal.
30		Ben. La Fotel	49	His x mark, seal.
31		Geo. La Fotel	22	Do.
32		John St. Luke	55	Do.
33		Francois Mason	87	Do.
34		Louis Hainith	51	Do.
35		Peter Leith	38	Seal.

No.	Indian name.	English name.	Age.	Mark and seal.
36	.....	Charley E. Leith	19	Seal.
37	.....	Henry La Roque	34	His x mark, seal.
38	.....	Etienne Blue	45	Do.
39	.....	Jonos R. Bellefeuille	19	Do.
40	.....	Isadore Hamlin	57	Do.
41	.....	Thos. Flamand	50	Do.
42	.....	Joseph Saice, sr	67	Do.
43	.....	Frank Saice	18	Do.
44	.....	Alex. Saice	30	Do.
45	.....	Wm. Saice	25	Do.
46	.....	Joseph Saice, jr	36	Do.
47	.....	Patrice Parisien	28	Seal.
48	.....	Baptiste Villebrun	44	His x mark, seal.
49	.....	Paul Villebrun	36	Do.
50	.....	Peter Villebrun	40	Do.
51	.....	Mike Villebrun	57	Do.
52	.....	Eustache La Jeunesse	19	Do.
53	.....	Jos. La Jeunesse	27	Do.
54	.....	Augustine La Jeunesse	22	Do.
55	.....	Jos. Flamand, sr	52	Do.
56	.....	Jos. Flamand, jr	20	Do.
57	.....	Simon Le quier	18	Do.
58	.....	Louis Vivier, sr	50	Do.
59	.....	Jos. Vivier	28	Do.
60	.....	Louis Vivier, jr	27	Do.
61	.....	Jos. Thomas	21	Do.
62	.....	Baptiste Turpin, sr	76	Do.
63	.....	Baptiste Turpin, jr	42	Do.
64	.....	Phillip Turpin	34	Seal.
65	.....	Paul Beaupre	40	His x mark, seal.
66	.....	Edward Perrault	18	Do.
67	.....	Narcisse Hamlin	22	Do.
68	.....	Joseph Beaupre	46	Do.
69	.....	.....	58	Do.
70	Way Ke che ge shig Oge mah ge shig.	.....	28	Do.
71	Kah pe she shish	.....	45	Do.
72	Augustin	.....	50	Do.
73	To do she Kamce	.....	34	Do.
74	To be nais	.....	23	Do.
75	Ah zhowe e bin ais	.....	72	Do.
76	O my ah wuh cum ig	Joseph Boxer	21	Do.
77	Kah che yaince	.....	34	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Pembina tribe or band of Chippewa Indians occupying the White Earth Reservation, whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. Beaulieu, *Interpreter to the Commission,*
Wm. V. Warren, *United States Interpreter,*
Interpreters.

C. H. Beaulieu, Sr.
H. H. Beaulieu.
J. E. Perrault.

White Earth Reservation, Minn., *July 29, 1889.*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

Joseph Hole in the day.
Wm. F. Campbell.
Theo. H. Beaulieu.

White Earth Reservation, Minn., *July 29, 1889.*

Executive Mansion, *March 4, 1890.*

This instrument in writing, negotiated with the Pembina tribe or band of Chippewa Indians occupying or belonging to the White Earth Reservation, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

Benj. Harrison.

C.

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, WHITE EARTH RESERVATION, MINN.

We the undersigned, being male adult Indians over eighteen years of age of the tribes and bands of Chippewa Indians occupying and belonging to the White Earth Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, of which the following is a copy, to wit:

[PUBLIC No. 13.]

AN ACT for the relief and civilization of the Chippewa Indians in the State of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three Commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the Commissioners for said purposes, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake Reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake Reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like manner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be approved by the President of the United States before taking effect: *Provided further*, That in any case where an allotment in severalty has heretofore been made to any Indian of land upon any of said reservations, he shall not be deprived thereof or disturbed therein except by his own individual consent separately and previously given, in such form and manner as may be prescribed by the Secretary of the Interior. And for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into male and female adults, and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior, and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the President of the United States shall be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

SEC. 2. That the said commissioners shall, before entering upon the discharge of their duties, each give a bond to the United States in the sum of ten thousand dollars, with sufficient sureties, to be approved by the Secretary of the Interior, and conditioned for the faithful discharge of their duties under this act, and they shall also each take an oath to support the Constitution of the United States, and to faithfully discharge the duties of their office, which bonds and oaths shall be filed with the Secretary of the Interior. Said commissioners shall be entitled to a compensation of ten dollars per day for each day actually employed in the discharge of their duties, and for their actual traveling expenses and board, not exceeding three dollars per day. Said commissioners shall also be authorized to employ a competent interpreter while engaged in the performance of their duties, at a compensation and allowance to be fixed by them, not in excess of that allowed to each of them under this act.

SEC. 3. That as soon as the census has been taken, and the cession and relinquishment has been obtained, approved, and ratified, as specified in section one of this act, all of said Chippewa Indians in the State of Minnesota, except those on the Red Lake

Reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth Reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake Reservation, and to all the other of said Indians on White Earth Reservation, in conformity with the act of February eighth, eighteen hundred and eighty seven, entitled "An act for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes"; and all allotments heretofore made to any of said Indians on the White Earth Reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act: *Provided, however*, That the amount heretofore allotted to any Indian on White Earth Reservation shall be deducted from the amount of allotment to which he or she is entitled under this act: *Provided further*, That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this act on the reservation where he lives at the time of the removal herein provided for is effected, instead of being removed to and taking such allotment on White Earth Reservation.

SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioners of the General Land Office to cause the lands so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made, and the report, field-notes, and plats thereof filed in the General Land Office, and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by forty-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed "pine lands," the minutes of such examination to be at the time entered in books provided for that purpose, showing with particularity the amount and quality of all pine timber standing or growing on any lot or tract, the amount of such pine timber to be estimated by feet in the manner usual in estimating such timber, which estimates and reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made a list of all such pine lands, describing each forty-acre lot or tract thereof separately, and opposite each such description he shall place the actual cash value of the same, according to his best judgment and information, but such valuation shall not be at a rate of less than three dollars per thousand feet, board measures of the pine timber thereon, and thereupon such lists of lands so appraised shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the appraisals are rejected as a whole then the Secretary of the Interior shall substitute a new appraisal and the same or original list as approved or modified shall be filed with the Commissioner of the General Land Office as the appraisal of said lands, and as constituting the minimum price for which said lands may be sold, as hereinafter provided, but in no event shall said pine lands be appraised at a rate of less than three dollars per thousand feet board measure of the pine timber thereon. Duplicate lists of said lands as appraised, together with copies of the field-notes, surveys, and minutes of examinations shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists with the appraisals shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of six dollars per day for each person so employed, including all expenses.

All other lands acquired from the said Indians on said reservations other than pine lands are for the purposes of this act termed "agricultural lands."

SEC. 5. That after the survey, examination, and appraisals of said pine lands has been fully completed they shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office shall cause notices to be inserted once in each week for four successive weeks in one newspaper of general circulation published in Minneapolis, St. Paul, Duluth, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia and Williamsport, Pennsylvania; and Boston, Massachusetts, of the sale of said lands at public auction to the highest bidder for cash at the local land office of the district

within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same upon application at the local land office.

SEC. 6. That when any of the agricultural lands on said reservation not allotted under this act nor reserved for the future use of said Indians have been surveyed, the Secretary of the Interior shall give thirty days' notice through at least one newspaper published at Saint Paul and Crookston, in the State of Minnesota, and, at the expiration of thirty days, the said agricultural lands so surveyed, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law: *Provided*, That each settler under and in accordance with the provisions of said homestead laws shall pay to the United States for the land so taken by him the sum of one dollar and twenty-five cents for each and every acre, in five equal annual payments, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry, according to said homestead laws, and after the full payment of said one dollar and twenty-five cents per acre therefor, and due proof of occupancy for said period of five years; and any conveyance of said lands so taken as a homestead, or any contract touching the same, prior to the date of final entry, shall be null and void: *Provided*, That nothing in this act shall be held to authorize the sale or other disposal under its provision of any tract upon which there is a subsisting, valid, pre-emption, or homestead entry, but any such entry shall be proceeded with under the regulations and decisions in force at the date of its allowance, and if found regular and valid, patents shall issue thereon: *Provided*, That any person who has not heretofore had the benefit of the homestead or pre-emption law, and who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws may make a second homestead entry under the provisions of this act.

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of five per centum per annum, payable annually for the period of fifty years after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following: One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares: *Provided*, That Congress may, in its discretion, from time to time during the said period of fifty years, appropriate for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding five per centum thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of ninety thousand dollars annually, counting from the time when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of three million dollars, less any actual interest that may in the meantime accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live-stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of three million dollars the said United States shall be fully reimbursed out of such excess, for all the advances of interest made as herein contemplated and other expenses hereunder.

SEC. 8. That the sum of one hundred and fifty thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not

otherwise appropriated, to pay for procuring the cession and relinquishment, making the census, surveys, appraisements, and allotments, and the first annual payment of interest herein contemplated and provided for, which money shall be expended under the direction of the Secretary of the Interior in conformity with the provisions of this act. A detailed statement of which expenses, except the interest aforesaid, shall be reported to Congress when the expenditures shall be completed.

Approved, January 14, 1889.

And after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of said White Earth Reservation as is not embraced in the following-described boundaries, to wit:

Townships 141 and 142, of range 37; townships 141, 142, 143, 144, 145, and 146, of range 38; townships 141, 142, 143, 144, 145, and 146, of range 39; townships 141, 142, 143, 144, 145, and 146, of range 40; townships 141, 142, 143, 144, 145, and 146, of range 41, and townships 141, 142, 143, 144, 145, and 146, of range 42, for the purposes and upon the terms stated in said act, which said lands, embraced within said boundaries, have been reserved by the commissioners appointed under said act and as therein authorized, for the purpose of making and filling the allotments therein provided for; and we do also hereby grant, cede, and relinquish to the United States, for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippawas of the Mississippi, proclaimed April 18, 1867, (16 Stat., p. 719), and also to the Executive addition thereto made and described in an Executive order dated October 29, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed, at White Earth Agency, in the State of Minnesota, this 29th day of July, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] JOSEPH B. WHITING,
Commissioners.

B. P. SHEELER,
United States Indian Agent.

W. C. HUBBELL,
Secretary to Commission.

WHITE EARTH CHIPPEWAS OF THE MISSISSIPPI.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Wah ban ah quod	White Cloud	64	His x mark, seal.
2	May zhue ke ge shig		56	Do.
3	Wen je mah dub	Joseph Charette	52	Do.
4	Tay cum e ge shig		55	Do.
5	Nay tow aush		61	Do.
6	Ke che mah quoih	Big Bear	37	Do.
7	O jib way		64	Do.
8	Sang way way		37	Do.
9	Mun e do wah, or O dub e nann e quay.		60	Do.
10		John Bellanger	35	Do.
11	Mah je ge shig		49	Do.
12	Pay kin ah waush		63	Do.
13	O muck uck cence		50	Do.
14	May zin ah waush		70	Do.
15	Kay zhe way we dung		48	Do.
16	Shah baush kung		60	Do.
17	Say gaus e gay		64	Do.
18	Koh koh kun	George B. Morgan	36	Seal.
19		John Hanks	47	His x mark, seal.
20	Me ge zence		56	Do.
21	Shay day	Tom Swan	47	Do.
22	Neesh e kay we gah bow	David Knickerbocker	48	Do.
23	Nay tum ub		63	Do.
24	Way me gwaunee		61	Do.
25	Min u ge shig	Fred Jackson	27	Do.
26	Wah wun	Egg	46	Do.
27	Kah ge gay aush		40	Do.
28		Eustache Bellecourt, sr	70	Do.

White Earth Chippewas of the Mississippi—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
29	.....	Henry Bellecourt	22	His x mark, seal.
30	.....	Peter Bellecourt	26	Do.
31	.....	Frank Bellecourt	41	Do.
32	Ne zho cum ig	.....	54	Do.
33	Pah go nay cum ig wabe	.....	46	Do.
34	Nauzh ah cum ig ish kung	.....	19	Do.
35	.....	Charles Roy	25	Do.
36	.....	Louis Bellair	23	Do.
37	Mo cud je wance	Charles Badnough	61	Do.
38	Wy yah we nind	.....	38	Do.
39	Nah wah guay o say	.....	54	Do.
40	Nay tum ish kung	.....	19	Do.
41	Quay ke ge shig	.....	27	Do.
42	Kah gah sin de bay	.....	60	Do.
43	.....	Eustache Bellecourt, jr	37	Do.
44	Ah ke wen zie	.....	32	Do.
45	.....	Henry W. Bellanger	40	Seal.
46	.....	John A. Bellanger	38	Do.
47	May zhue ke aush	.....	63	His x mark, seal.
48	.....	Louis St. Clair	31	Seal.
49	.....	Frank Du Ford	31	His x mark, seal.
50	.....	Godfrey Bellant	18	Do.
51	O me soshe	.....	33	Do.
52	.....	William Parker	18	Do.
53	Pah be woub	.....	21	Do.
54	Cha kun dum	Isaac Parker	18	Do.
55	Kah dah wah be day	.....	39	Do.
56	Shah bah cum ig	.....	32	Do.
57	.....	John J. Roy	25	Do.
58	.....	Henry W. Roy	25	Do.
59	Osh kin ow aince	.....	61	Do.
60	.....	Louis Brunette	52	Do.
61	.....	George Brunette	23	Do.
62	.....	Joseph Brunette, No. 2	46	Do.
63	.....	Louis Ducept	23	Do.
64	Ah ke wen zie	.....	32	Do.
65	.....	Joseph Dunnel	19	Do.
66	.....	Louis Dunnel	32	Do.
67	.....	Frank Spry	20	Do.
68	Mah daush	.....	52	Do.
69	Ke che o say ien	.....	66	Do.
70	Kah kan daush	.....	29	Do.
71	Ah ke wen zaince	.....	52	Do.
72	O din e gance	.....	18	Do.
73	.....	Joseph Blair	62	Do.
74	.....	Edward Blair, sr	60	Do.
75	.....	Edward Blair, jr	28	Do.
76	.....	R. P. Fairbanks	37	Seal.
77	.....	John Fairbanks	33	Do.
78	.....	Theodore Blair	28	Do.
79	.....	William St. Clair	42	His x mark, seal.
80	.....	Henry St. Clair	34	Do.
81	.....	Hurbert Roy	23	Do.
82	.....	Bazil H. Beaulieu	73	Seal.
83	.....	Alex H. Beaulieu	43	Do.
84	.....	N. H. Beaulieu	36	Do.
85	.....	Theo. H. Beaulieu	38	Do.
86	.....	David C. Van Wert	20	Do.
87	.....	John Johnson	69	Do.
88	.....	Jno. G. Morrison	45	Do.
89	.....	Michael Lashapelle	29	Do.
90	.....	T. B. Beaulieu	18	Do.
91	.....	Benj. S. Roy	34	Do.
92	.....	Fred Smith	40	Do.
93	.....	Johnny Smith	38	His x mark, seal.
94	.....	Simon Lagarde	27	Seal.
95	.....	Wm. T. Warren	34	Do.
96	.....	William Sontture	31	His x mark, seal.
97	.....	Andrew Vanoss	39	Do.
98	.....	Frank Roy	41	Do.
99	.....	William Hanks	19	Do.
100	.....	H. H. Beaulieu	57	Seal.
101	.....	Wm. V. Warren	40	Do.
102	.....	James Madason	35	His x mark, seal.
103	.....	P. H. Beaulieu	70	Seal.
104	.....	Truman Beaulieu	30	Do.
105	.....	Francois Roy	66	His x mark, seal.
106	.....	Louis Roy	18	Do.
107	.....	Joseph Roy	28	Do.
108	.....	Simon Roy	35	Seal.
109	.....	Charles T. Wright	38	Do.
110	.....	William Wright	24	His x mark, seal.

White Earth Chippewas of the Mississippi—Continued.

Indian name.	English name.	Age.	Mark and seal.
	Henry Selkirk	36	Seal.
	Alix Roy	62	His x mark, seal.
	Joseph Roy	36	Do.
	Joseph Brunette	33	Do.
	Clemont H. Beaulieu, sr	78	Do.
	John McDonald	45	Do.
	Andrew McDonald	19	Do.
	James Mason	38	Do.
	Antoine Vanoss	34	Do.
	Joseph Jourdan	35	Do.
i gaunce		30	Do.
gah bow		24	Do.
	Antoine Blow	18	Do.
	Allan Morrison	42	Seal.
	Daniel Morrison	18	Do.
	Peter Brunette	30	His x mark, seal.
	William R. Spears	32	Seal.
	Joseph F. Roy	28	His x mark, seal.
	Selam Fairbanks	28	Seal.
	Theodore Beaulieu	31	Do.
	William Parker	18	Do.
	E. L. Warren	32	Do.
	A. H. Warren	23	Do.
	William Brunette	19	His x mark, seal.
	Antoine Bisson, sr	60	Do.
	Mark Hart	35	Seal.
	Joseph Blair	18	His x mark, seal.
	Benjamin Blair	36	Do.
	Simon Warren	20	Seal.
	Winfield Smith	28	Do.
	George A. Fairbanks	38	Do.
	P. J. Fairbanks	40	Do.
	Charley Charette	25	His x mark, seal.
	Antoine Charette	20	Do.
	Frank Charrette	44	Do.
	Ben Fairbanks	24	Seal.
	Robert Beaulieu	38	Do.
	Frederick Wm. Peake, jr	18	Do.
	David Norcross	31	Do.
	Colier Veznor	22	Do.
	George Campbell	30	Do.
	Felix Bisson	28	Do.
tau aush	Daniel Brown	37	His x mark, seal.
	Peter McDougall	33	Seal.
	George Lubkins	19	Do.
y ge shig	Joseph Hole in the day	21	Do.
	Martin Bisson	25	Do.
	Steven Caswell	28	His x mark, seal.
	Frank Warren	30	Seal.
	John C. Fairbanks	26	Do.
	Antoine Bisson, jr	60	His x mark, seal.
	Edward Bisson	18	Do.
	George Fox	21	Do.
	David McArthur	24	Seal.
	Albert Fairbanks	51	Do.
	William Fairbanks, sr	56	Do.
	Joseph Fairbanks	22	His x mark, seal.
	William Fairbanks, jr	18	Do.
	Samuel S. McArthur	40	Seal.
	Norman McArthur	18	His x mark, seal.
	Alexander Blair	50	Do.
	Remie Trotrochean	18	Do.
	William F. Campbell	24	Seal.
gwon		70	His x mark, seal.
	Truman Santeur	29	Do.
	Peter Santeur	21	Do.
	Isaac Santeur	18	Do.
	Antoine Santeur	27	Do.
	John Santeur	25	Do.
	John McDougall	27	Seal.
	Joseph Manchamp	29	Do.
	William Beaulieu	22	Do.
	Charles Morrison	22	Do.
	Robert Morrison	26	Do.
	Charley Foster	45	His x mark, s ...
	Joseph Foster	18	Do.
	Frank Pelland	26	Seal.
un		51	His x mark, seal.
	William Hanks	19	Do.
	Benjamin Caswell	20	Do.
	Louis Caswell	18	Do.
	Joseph Trotrocheau	30	Do.

White Earth Chippewas of the Mississippi—Continued.

Indian name.	English name.	Age.	Mark and seal.
	Ben. B. Roy	44	His x mark, seal.
Ay he wah nah kish kung	John Parker	36	Do.
I ge nah shish		40	Do.
Traw de nah, or Bay baw aw tah-gay		21	Do.
O ge nah		57	Do.
	Geo. T. Healsten	36	Seal.
	Jos. ph Louzon	18	His x mark, seal.
	Joseph McDonald	18	Do.
	Peter McDougall	33	Do.
	Joseph Jourdin	35	Do.
		56	Do.
May quom		34	Do.
Ching go ge shig		20	Do.
	Abraham Vizenor	18	Do.
	Mitchel Vizenor	25	Do.
	William Vizenor	38	Seal.
	Chas. Moulton	21	His x mark, seal.
Kog og		26	Do.
	William Knickerbocker	36	Do.
	Moses Trotrocheau	26	Do.
	Antoine Trotrocheau	67	Do.
Ge sis		40	Do.
	Henry Aspenwall	23	Do.
Ko we tau be nais		19	Seal.
	Sim Fairbanks	28	His x mark, seal.
O zou un e me kee	Charley Smith	39	Do.
	Baptiste or Budeese	33	Do.
say ge tonee		36	Do.
Osh kin ou		26	Seal.
	William Potter	48	His x mark, seal.
Kay gwe ge gah bow		76	Do.
Keesh kun ah cut		31	Seal.
	Hank Monroe	19	His x mark, seal.
Om bim way way go shig		18	Do.
	George Warren	18	Seal.
	Gus Chapin	29	Do.
	Alec Le Duc	22	His x mark, seal.
	John Charrette	45	Do.
	Louis Charrette	21	Do.
Om yah wah cum ig		19	Do.
O jon e mway way ge shig		27	Do.
	William Walters	26	Seal.
	John Johnson, jr	28	Do.
	Charley Strong	18	Do.
	Wm. Julius Brown	62	Do.
	Robert Fairbanks, sr	33	His x mark, seal.
	John B. Fairbanks	20	Do.
	Charles H. Fairbanks	21	Do.
	Paul A. Fairbanks	37	Do.
Man id o bin ais	Mine do be naimee Peter	34	Do.
	William McDonald	37	Do.
O dish qua ge shig		28	Seal.
	Martin Branchand	33	His x mark, seal.
	George Bellefeuille	31	Do.
	Antoine Bellefeuille	27	Do.
	Casamire Bellefeuille	19	Do.
	Eusebe Bellefeuille	24	Do.
	Clement Bellefeuille	18	Do.
	William Branchand	40	Do.
	Edward Tanner	22	Do.
Ah je jauk oonce		39	Do.
Jah bay		40	Do.
Shay now e gwon a be		21	Do.
Min e ge shig wa be		19	Seal.
Pay shah cum ig	Duncan McDougall	27	Do.
	John McDougall	26	Do.
	John McGwire	34	Do.
	George Smith	38	Do.
Ketchi no din	John Coleman	25	Do.
An da so gwen nay ash	William D. Aspinwall	22	Do.
Ke we tah che waib	Thomas Smith	26	Do.
Nah do quon	Wm. Knickerbocker	33	Do.
	B. L. Fairbanks	40	Do.
	Clement G. Fairbanks	47	Do.
	C. H. Beaulieu, jr	40	Do.
	C. H. Scott	34	Do.
	G. A. Berry	35	Do.
	John Bassett	26	His x mark, seal.
Bay bah ah be tung		25	Seal.
	Alfred James Folstrom	44	Do.
	George F. Folstrom	35	Do.
	Jacob Folstrom		

GULL LAKE BAND.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Wah de nah	sloping Hill	65	His x mark, seal.
2	shay nah wish kung	The Rattler	33	Do.
3	O mah yaw wah be tung	The one that sets before an object.	40	Do.
4	O de ne gwon	shoulder blade	34	Do.
5	Quay se quod	Terror	26	Do.
6		Joe Mishaud	25	Do.
7		Dave Weaver	30	Do.
8		Joseph Weaver	27	Do.
9	O mu dise	Worthless	62	Do.
10	Tah gee	Peter Roy	31	Do.
11		John Roy	19	Do.
12	Ah be daush	Going with the wind	42	Do.
13		Frank Mishaud	28	Do.
14	Be dah nah quod	The coming cloud	22	Do.
15	Jo woun	Joseph Mishaud	35	Do.
16	A be taw ah nah quod	Half Cloud	21	Do.
17	Pay ke nah waush	Wind winner	30	Do.
18	O dah se nah kay	Brisket	66	Do.
19		Billy McGillis	30	Do.
20		Eddy McGillis	18	Do.
21		John McGillis	83	Do.
22		Roger Aitkins	60	Do.
23	Wau baw ne quay	White Hair	39	Do.
24	Be ko jeance	Pot gun	54	Do.
25	Kah ge gay au woun	The everlasting fog	36	Do.
26		Samuel Sloan	31	Do.
27		John Sloan	25	Seal.
28	Osh te gwon	The Head	25	His x mark, seal.
29	Pin de goy ge shig	Entering sky	35	Do.
30	Que we za nce	The boy	38	Do.
31	Cah be dain	Captain	41	Do.
32	No kay	Mellow	41	Do.
33	Taw wan cance	small space	43	Do.
34	Ohe an nung	Big Star	22	Do.
35	Le ze me		20	Do.
36		Selum Madison Aitkins	35	Seal.
37	Ah ke wainse	Old man	50	His x mark, seal.
38	Mooze	Moose	18	Do.
39	Bay naush	Sailing by wind	25	Do.
40	Wah de nah	Sloping Hill	80	Do.
41		George Sloan	27	Do.
42	Moozence	Little Moose	18	Do.
43		Allen Sloan	33	Seal.
44	Mah Konce	Cub bear	26	His x mark, seal.
45		Frank Beans	27	Do.
46		Joseph Roy	30	Do.
47		William Sloan	34	Do.
48		William Brunette	24	Do.
49	Kay bay cum ish kung	The troder that shakes the earth.	20	Do.
50	Kay bay o nub	The everlasting setter	40	Do.
51		Peter Roy	72	Do.
52		Roger Beaulieu	21	Do.
53		Charles G. Mooers	26	Seal.
54		Samuel E. Mooers	36	Do.

We hereby certify that the foregoing instrument was fully interpretesl and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. Beaulieu, *Interpreter to the Commission,*
Wm. V. Warren, *U. S. Interpreter,*
Interpreters.

C. H. Beaulieu, Sr.
H. H. Beaulieu.
J. E. Perrault.

White Earth Agency, Minn., *July 29, 1889.*

We hereby certify that we were present and witnessed the signatures of the abovenamed Indians to the foregoing instrument.

Joseph Hole in the Day.
Wm. F. Campbell.
Theo. E. Beaulieu.

White Earth Agency, Minn., *July 29, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing, negotiated with the tribes and bands of Chippewa Indians occupying and belonging to the White Earth Reservation, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

D.

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, WHITE OAK POINT BANDS, MINNESOTA.

We, the undersigned, being male adult Indians over eighteen years of age of the White Oak Point Band of Chippewas of the Mississippi, occupying and belonging to the reservation established by Executive order dated October 29, 1873, as an addition to the reservation provided for by the first article of the treaty with the Chippewas of the Mississippi proclaimed April 18, 1867 (16 Stat., 719), do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota (Public, No. 13), which said act is modified in the foregoing instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms specified in said act; and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi proclaimed April 18, 1867 (16 Stat., p. 719), and also to the aforesaid Executive addition thereto, made and described in an Executive order dated October 19, 1873, and we also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at White Oak Point, in the State of Minnesota, this 6th day of September, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] JOSEPH B. WHITING,
Commissioners.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Misquad dace (chief)		66	His x mark, seal.
2	Quod ance (chief)		63	Do.
3	O ge mah wub (chief)		55	Do.
4	Waw yay quah ge shig (chief)		35	Do.
5	Me no ge shig o quay (second queen).		18	Do.
6	Kay ge gay be quay (first queen).		45	Do.
7		George Smith (chief)	20	Seal.
8	Aysh quay kah mig wai (chief)		18	His x mark, seal.
9	Ay dah we ge zhick		25	Do.
10	Oom baun ah quod		30	Do.
11	Mosh kow aun ah quod		30	Do.
12	Kay zhe bau o say		38	Do.
13	O z he ne nee		30	Do.
14		John Lynde	38	Do.
15		William Lynde	21	Do.
16		Sam Lynde	19	Do.
17		Dan Lynde	18	Do.
18	Wah say ge shig		27	Do.
19	Me we sin o woub		45	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
20	shah bah yaush		62	His x mark, seal.
21	Pin de gay aush		52	Do.
22	May zhuck ke aush		52	Do.
23	Mah ge ke wis		18	Do.
24	Kog gog eance		24	Do.
25	Nez ho dain		57	Do.
26	Map cun dway we ne ne		57	Do.
27	Ah mah quod once		37	Do.
28	Me zhain		28	Do.
29	Ah ne me ke wegwn (chief)		52	Do.
30	Sah ke gwan aish kung		37	Do.
31		Chas. Wakefield	24	Seal.
32	Omah kah Keence		32	His x mark, seal.
33	May shan ke be nais		35	Do.
34	Ah sin e wah cum ig		30	Do.
35	Mays ko gwon ayaush		18	Do.
36	Negaun ah quod		26	Do.
37		Sam Smith	18	Seal.
38	Mah je ke wis		50	His x mark, seal.
39	Ah ke wauze		50	Do.
40	Pah tak kainz		19	Do.
41	Pe dway waish kung		30	Do.
42	Ah be daun ah quod		35	Do.
43	Kau kah kun		70	Do.
44	Wah boze		35	Do.
45		Chas. A. Thompson	25	Seal.
46		William Thompson	23	Do.
47	Aysh quay aush		32	His x mark, seal.
48	Go gish		20	Do.
49	William		55	Do.
50	Pah tah john		35	Do.
51	O gah bay ous		45	Do.
52	Nay tah wub e tung		52	Do.
53		James K. Wakefield	26	Seal.
54	Wah jay		19	His x mark, seal.
55	Ke che no din		25	Do.
56	Ke we tah be nais		20	Do.
57		Ed. P. Wakefield	22	Seal.
58	Ke way gah bow		47	His x mark, seal.
59	Mis ko ke niew		30	Do.
60	Paush ke nay aush		27	Do.
61	Mo ne do		45	Do.
62	Nay gwah nay beence, or nay gwon nah beence.		35	Do.
63	We sah ko day we ne nee	James Jourdain	40	Do.
64		Quandosh Jourdain	26	Do.
65		William Boswell	19	Do.
66	Be che ku		52	Do.
67	Pe mo say ke shig		18	Do.
68	Nay tah wish kung		30	Do.
69	Nay nah ub		20	Do.
70		Charley Jenkins	25	Do.
71	May zhuc wah sing		28	Do.
72	Quod ance		18	Do.
73	Ke we tah gwon abe		18	Do.
74	Ah bush zh ence		62	Do.
75	Nah wah ge woun		36	Do.
76	Bay bow nway we dung		43	Do.
77	Ah ke wen zhe		37	Do.
78	No din ish kung		28	Do.
79	Ah be dah noh quod		22	Do.
80	Ka bay osay		50	Do.
81	Ah zhaw way ge shig		45	Do.
82	Kay bay ge woun		18	Do.
83	Way che tahaw gwob		20	Do.
84		Robert Wakefield	18	Do.
85		George Wakefield	20	Do.
86	Tay cumah guon		32	Do.
87	Pay me guon ay aush		43	Do.
88	By iah be daush (chief)		72	Do.
89	O gah bay go nay aush		24	Do.
90	Be nay see		38	Do.
91	Nay waw cum ege wabe		18	Do.
92	Nay tom ah ge wabe		37	Do.
93	Ah nah nee		30	Do.
94	Ay zhaw so guon abe		72	Do.
95	Te bah co ne gaywe ne ne		22	Do.
96	Zan zway	John Smith	38	Do.
97		William Lynde	35	Do.
98	Way mun wee (acting chief)		42	Do.
99	Kay nosh (chief)		57	Do.
100	No kay, or Kanze (chief)		52	Do.
101	Ke way din (chief)		52	Do.
102	Way nun nee shish		42	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
103	Ne gon e be nais		32	His x mark, seal.
104	Wah bose o geed		42	Do.
105	Pay she guon		19	Do.
106	Niege ose gay		24	Do.
107	O dish kin on cence		37	Do.
108	Ne be na die		56	Do.
109	Che way nah ne (Ke che way nah nee).		42	Do.
110	Te bish co guon		57	Do.
111	Che he nais see, or Ke che he nay see.		62	Do.
112	Kog gog e we guon, or Gog Gog e we guence.		31	Do.
113	Say caus e gay	Charles Last	37	Seal.
114	Ode ne gaun		52	His x mark, seal.
115	Ne tah o say		25	Do.
116	Noy nah e ge way aush or Nay wah tie guon ay aush.		18	Do.
117	Pe dway way gah bon		52	Do.
118	Ah be dway we dung or Ay be dway we dung.		19	Do.
119	May zhucke be nais or Naugh e be be nais.		31	Do.
120	She lung gay or Ke che lung gay		18	Do.
121	She mah gah nish		62	Do.
122	Loesner	Poseph Platt	23	Do.
123	Ah be dah nah guod		27	Do.
124	shy cah go se cung		32	Do.
125	Pay dah gush kung or Tay tah gash kung.		31	Do.
126	Kay me tigo zhence (chief)		97	Do.
127	Be zhe guah bay		52	Do.
128	George Platt		46	Do.
129	Kay gway do way		37	Do.
130	Gog gog		35	Do.
131	Way zhaw woush co ge shig		62	Do.
132	Nah wah quence or Nah wah quay ge shig.		23	Do.
133	Me tig wah kick conce (chief)		62	Do.
134	Wyah ah we nind		27	Do.
135	Te bish co ge shig		32	Do.
136	Nah wah ge woun abe		30	Do.
137	Sah caus e zay		42	Do.
138	sah caus e gaince		21	Do.
139	Kah de way		62	Do.
140	Sah gah ge way ge shig		40	Do.
141	Ah zhaw wah je way gah bow		22	Do.
142	Nah nee bow		28	Do.
143	Shaw woun		22	Do.
144	Nah we ge woun		26	Do.
145	An ah be tung		18	Do.
146	Que we zaince		21	Do.
147	Song gah cah mig		47	Do.
148	Ne zho o din		30	Do.
149	Gogis		42	Do.
150	O ge mah wub		27	Do.
151	Nay taw we gah bow		32	Do.
152	Ah mah ge way ge shig		37	Do.
153	Ne zho waush		20	Do.
154	An ne way we dung		20	Do.
155	Nay shwos obe		27	Do.
156	Nah gah ne gwon ay aush		18	Do.
157	Bay bah ah be tung		26	Do.
158	Way we zhaw mah ge wabe		37	Do.
159	I ah sin o wub		24	Do.
160	O zow wah ne me kee		40	Do.
161	Ke je nish we do		42	Do.
162	Kon de nah		35	Do.
163	O che che guom		72	Do.
164	Bay bah naush		40	Do.
165	Gah bow ence		42	Do.
166	Kah bin ung we way		60	Do.
167	Moonze		57	Do.
168	Ah be je ke shig		22	Do.
169		Charles Charette	57	Do.
170		John Lagard	38	Do.
171	Ah zhaw we guon		28	Do.
172	Che tah naush	Charles Potter	32	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU, *Interpreter to the Commission.*
C. H BEAULIEU, *Interpreter.*

HENRY MARTIN.
WILLIAM BOUYA.

WHITE OAK POINT, MINN., *September 6, 1889.*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

B. P. SHULER, *United States Indian Agent.*
W. C. HUBBELL, *Secretary to Commission.*

H. H. BEAULIEU.
G. A. MORRISON.
THEO. H. BEAULIEU.

WHITE OAK POINT, *September 6, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing, negotiated with the White Oak Point band of Chippewa Indians, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "that all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

E.

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, MILLE LAC BANDS.

We, the undersigned, being male adult Indians over eighteen years of age of the Mille Lac band of Chippewas of the Mississippi, occupying and belonging to the Mille Lac Reservation under and by virtue of a clause in the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693), do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress, approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians, in the State of Minnesota" (Public No 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms stated in said act; and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., p. 719), and also, to the aforesaid executive addition thereto made and described in an Executive order dated October 19, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments to the Red Lake Indians, in quantity and manner as therein provided; and we do also hereby forever relinquish to the United States the right of occupancy on the Mille Lac Reservation, reserved to us by the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693).

Witness our hands and seals hereto subscribed and affixed at Mille Lac, in the State of Minnesota, this 5th day of October, 1889.

[SEAL.]

HENRY M. RICE,
JOSEPH R. WHITING,
Commissioners.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Wah we yay cum ig (chief)		34	His x mark, seal.
2	Shah baush hung (chief)		72	Do.
3	Mah ceng amece (chief)		52	Do.
4	Aay gwon ay be No. 1 (chief)		60	Do.
5	Nay gwon ay be No. 2		62	Do.
6	Pug gwon ay ge shig (chief)		20	Do.
7	Sah ge ze tung		20	Do.
8	Ah be taw au wah quod		27	Do.
9	Ae ne nee zain		30	Do.
10	Me zee gun (chief)		61	Do.
11	Mah ge ke wis (chief)		50	Do.
12	Nah bah nay aush (chief)		34	Do.
13	Mooze o mah nay (chief)		64	Do.
14	Gay gway do say		57	Do.
15	Ne gwon e be nais		18	Do.
16	Che no din		52	Do.
17	Pin de gay ge shig		30	Do.
18	Ah zho sum ig ish kung		52	Do.
19	Ke bid ance		40	Do.
20	In zahn (chief)		33	Do.
21	Be zhew nince		28	Do.
22	Po de see		32	Do.
23	Way nah boush oonce		31	Do.
24	Ah nung go ge shig		25	Do.
25	Min did		34	Do.
26	Me nah wah ne guas		27	Do.
27	Nah zhuck e aush		31	Do.
28	Way zom e say		47	Do.
29	Juy ahn		33	Do.
30	Kah we tah say		52	Do.
31	Gogee or Now me nu ge shig		47	Do.
32	Shay wah be te ton		52	Do.
33	May aw wuh (chief)		58	Do.
34	Shaw go bay No. 1		18	Do.
35	Ay ne kaush eene		46	Do.
36	Ke che way we wah be		26	Do.
37	Nay tum ub eence		26	Do.
38	Ah ne kay gah bow		30	Do.
39	Pah daus e gay or Kay bay aung ay.		25	Do.
40	Sah gwon dug		25	Do.
41	Nay wah ge ge shig		21	Do.
42	May cah day we co nah ya		45	Do.
43	Ke we tah cah mig		30	Do.
44	Que we zaince		22	Do.
45	Ah ge dum or Lah zhe tung		18	Do.
46	Nah gown e guon abe		38	Do.
47	Moush ke nay aush		38	Do.
48	O buy ay		34	Do.
49	Wah be shesh		32	Do.
50	Sah gutch		29	Do.
51	Cheen waush		69	Do.
52	Cheeng o ge shig		48	Do.
53	O gah bay gah bow		35	Do.
54	Day dub		38	Do.
55	Ke way o say		42	Do.
56	Mone nee		22	Do.
57	Way we zhe ge shig		31	Do.
58	Jonney		31	Do.
59	We zog		37	Do.
60	Pay zhaw cah mig		25	Do.
61	Nay gwon ay be		26	Do.
62	Bo dah ay mis, or Pay zhe way we dung.		32	Do.
63	Tchaw ge gan bow		50	Do.
64	Me nah wah ne gwos		30	Do.
65	Ak zaw co ge shig		38	Do.
66	Me nah wah ne gwos		22	Do.
67	Ah Ke wen zee		27	Do.
68	Pe nay shien		19	Do.
69	Ne nay See		18	Do.
70	Ke che zhay wah be Ke to		55	Do.
71	Moo say		61	Do.
72	Pah we ge wind		19	Do.
73	Shay wah be ke tonce		52	Do.
74	Te bish co be nais		28	Do.
75	O zow wub		20	Do.
76	Ne bah ge shig		27	Do.
77	Wah yea		31	Do.
78	Moozonce		74	Do.
79	Kay dah ge gwounce		22	Do.
80	Boí nance		42	Do.
81	Me ze gun		20	Do.
82	Kah gay ah nah quod wabe		40	Do.
83	Kah we tah aush		38	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
84	Nay gwon ay be	Joseph Morgan	25	His x mark, seal.
85	Zan Zway	Frank Gwin	20	Do.
86	Ne be day ge shig		30	Do.
87	Ah dick		27	Do.
88	Ay ko ge zhe gut		20	Do.
89	Be co ge oge mah		20	Do.
90	O me nway ge shig		57	Do.
91	Shaw boge shig		39	Do.
92	Oh dah sho ge ge shig		20	Do.
93	O muck kee		22	Do.
94	O ge mah ge shig		50	Do.
95	Pe tah we ge shick	Henry S. Van Nett	44	Do.
96	Nay taw waush		18	Do.
97	Ne be nay ge shig		27	Do.
98	Shaw wah ne be nais		39	Do.
99	O ge now		25	Do.
100	O zhaw woush co go shig		30	Do.
101	Way me gwounce		20	Do.
102	O dah buse be nais		18	Do.
103	Nah bah nay ah nah quod abe		40	Do.
104	Ne bah quaw um		30	Do.
105	Kay dish ke gah bow		21	Do.
106	Shaw way way gah bow		40	Do.
107	Mah koonce		18	Do.
108	Way shaw me say		47	Do.
109	O ge mah ge shig		25	Do.
110	She gwon ay bik		36	Do.
111	We sem, or Me zhain		33	Do.
112	Wah goosh		34	Do.
113	Pay be se gon de bay	S. W. Hanks	60	Seal.
114		John Morrell	37	Do.
115	Mah ge ge woun		32	His x mark, seal.
116	We zhay mah, No. 2		25	Do.
117	Chog o gah bow	Sam	52	Do.
118	Pe dud		54	Do.
119	Kah go dah aw quay		57	Do.
120	Kay bay nush		28	Do.
121	Kah ge gay ge woun		29	Do.
122	Gavah yock o ge shig, or Quay yock o ge shig.		52	Do.
123	Pe dway way ge shig		27	Do.
124	We sug		18	Do.
125	Iou yahn		33	Do.
126	Iah bance		19	Do.
127	Be dah nah qwod	Jim Hanks	18	Do.
128	Me ge zeance, or Me ge zee		34	Do.
129	Nay tom up		30	Do.
130	Wyah ah we nind		26	Do.
131	Sah ge may		40	Do.
132	Ah ke wenze aince		48	Do.
133	Way we ge woun		55	Do.
134	Be zhe kee		28	Do.
135	Tah cum e ge shig		34	Do.
136	Shaw go bay		40	Do.
137	Wah ne nah se gay		32	Do.
138	We sug ounce		35	Do.
139	Mooze o mah nay		19	Do.
140	Shay wah bic it	Jonny	24	Do.
141	Moze o mah nay		19	Do.
142	Te bish co ge shig		32	Do.
143	Way tch chog onh		51	Do.
144	Pah dub e ge shig		41	Do.
145	Bah gway cub		34	Do.
146	Bow naince		36	Do.
147	Nah wah quay gah bow		43	Do.
148	O zhe ne ne		36	Do.
149	An dah so ge shig		50	Do.
150	Shay woub		42	Do.
151	Nah wah be tung		18	Do.
152	Ke che gah we tah say		75	Do.
153	Nay tem e gah bow		19	Do.
154	Way on ge shkong dow		45	Do.
155	Gah gog e woush		25	Do.
156	Ish quah aush		18	Do.
157	Shaw bwa		25	Do.
158	Osh konge		20	Do.
159	No Kay		40	Do.
160	Kay tah ge gwon		38	Do.
161	Shin gwank		47	Do.
162	Kah ge gay be nais		32	Do.
163	Kodig		19	Do.
164	Nah wah quay ge shig		35	Do.
165	Mah ne do que we zaince		31	Do.
166	Che cainh or Shaw go pee		42	Do.
167	Mons o mon ay		20	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
168	Ko de gwah co geans		19	His x mark. seal.
169	O gub ay ge shig		18	Do.
170	Nay gwon ay bee		42	Do.
171	Nah ah bun way		36	Do.
172	Ah wah we gah bow		24	Do.
173	Che way o nub ee		26	Do.
174	Ozhaw woush ko be nais		31	Do.
175	Osh ke wah way		60	Do.
176	Zah she gwon ah qwod		19	Do.
177	Pe zhe kee		24	Do.
178	Sah gah chew		47	Do.
179	Bay bway ne		45	Do.
180	Ah kee wen zee		34	Do.
181	shing ooh		38	Do.
182	Mah cah day ke nee		29	Do.
183	Pe waush		33	Do.
184	Ay ne waush cence		28	Do.
185	Quod e nay		21	Do.
186	Ne ganne ge shig		50	Do.
187	Ne bah ge shig		27	Do.
188	May quom me waun e guay		50	Do.
189	Che no din		31	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.

E. H. BEAULIEU,
ALLEN R. JOURDAN,
Interpreters.

MILLE LAC, MINN., *October 5, 1889.*

We hereby certify that we were present and witnessed the signatures of the abovenamed Indians to the foregoing instrument.

B. P. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Secretary to Commission.

H. H. BEAULIEU.
G. A. MORRISON.
THEO. H. BEAULIEU.

MILLE LAC, *October 5, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing, negotiated with the Mille Lac band of Chippewa Indians in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

F.—H.

SIGNATURE ROLLS—PILLAGER BANDS OF CHIPPEWA INDIANS—LEECH LAKE, CASS LAKE, AND LAKE WINIBIGOSHISH RESERVATIONS, MINN.

We, the undersigned, being male adult Indians over eighteen years of age of the Pillager and Lake Winibigoshish bands of Chippewa Indians, residing upon the Leech Lake, Lake Winibigoshish, and Cass Lake Reservations, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding, the act of Congress, approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing

instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, and relinquish and convey to the United States, for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved and set apart for the Pillager and Lake Winibigoshish bands by the treaty of February 22, 1855 (10 Stat., p. 1165), and particularly described in an Executive order dated November 4, 1873, as follows, to wit: "Beginning at the mouth of Little Boy River; thence up said river through the first lake to the southern extremity of the second lake on said river; thence in a direct line to the most southern point of Leech Lake, and thence through said lake so as to include all the islands therein, to the place of beginning," and also to the two other separate tracts reserved and set apart for the said Pillager and Lake Winibigoshish bands by the second article of said treaty, and as therein described, and also to the Executive addition thereto made and described in an Executive order dated May 26, 1874; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to so much of the Red Lake Reservation as is not required and reserved under the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at the Leech Lake Agency, in Minnesota, this 21st day of August, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] MARTIN MARTY,
[SEAL.] JOSEPH B. WHITING,
Commissioners.

No.	Indian name.	English Name.	Age.	Mark and seal.
1	Muk Koonce (queen)	Ruth King	40	His x mark. seal.
2	O ge mah (chief)		50	Do.
3	Kay me wun aush (chief)		62	Do.
4	Kay Kin ah wah ze Kung (chief)		43	Do.
5	She now we Ke shick (chief)		50	Do.
6	Way zan we gwan abe (chief)		50	Do.
7	O zan we Ke shick (chief)		63	Do.
8	No de nah quom, or No de nah quah um (chief).		54	Do.
9	No de nah quom, or No de nah quah un, No. 2 (chief).		28	Do.
10	May zow e co ny ay	John Jackson	36	Do.
11	Mauny ze ne ge shij	Joe Stump	26	Do.
12	Kay gway dah te tung		29	Do.
13	Sah gwon dah gah we ne ne, or She bah yah be co we ne ne.		42	Do.
14	Kay bay cah mig ish Kung		37	Do.
15	O kod ah Kick, or O cod uck kick.	Kettle Leg	77	Do.
16	Kay Ke nah wah se Kung		22	Do.
17	Pe nay see		32	Do.
18	Moses Lagard	Moses Lagard	41	Do.
19	Ne gon e gwon abe		28	Do.
20	Wah bon e quay (chief)		51	Do.
21	Shah wun e bin ais		72	Do.
22	Pah gway cube tung		47	Do.
23	Wain de go wub		27	Do.
24	In de bay we ne ne		33	Do.
25	Maish Kow ah cum ish Kung		26	Do.
26	Paish ah cum ig		36	Do.
27	Min ah guod		74	Do.
28	Ching wah ann ah quod		52	Do.
29	Shan yan go se Kung, or Shy ah go se Kung.		38	Do.
30	Kay duk ke be nace, or Kay duge be nais.		28	Do.
31	Man che gwan abe		52	Do.
32	Shan wun ann ah quod		23	Do.
33	Nay tow o say		22	Do.
34	Kay me wun ish Kung		50	Do.
35	Shi wa ne gun abe		74	Do.
36	Ke wa e bin aise		36	Do.
37		Jack Bunga	41	Do.
38		Paul Bellanger	51	Do.
39		John Bellanger	18	Do.
40	Nay tan we ge shig		42	Do.
41	Nay nah ah ge wabe		25	Do.
42	Mis qua des		18	Do.
43	Me ke zid daysh Kung or Me ke zid aish kung.		52	Do.
44	Me shuk quod or May zhuk ke ann ah quod.		27	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
45	O mo dye		47	His x mark, seal.
46	Wah bun un wee		57	Do.
47	Ah ke wen zee		50	Do.
48	Shy ah go say		28	Do.
49	Kay bay ah wah quod		62	Do.
50	Oge name		37	Do.
51	Ann dube tung		18	Do.
52	O jib wainee		35	Do.
53	Pah me we bow		51	Do.
54	Nay gon ansh		24	Do.
55	Shawe un e ge shig		47	Do.
56	Kay zhe bah o say		26	Do.
57		George Bonga	32	Seal.
58	Tay dah bah sush or Day dah bush ansh.		12	His x mark, seal.
59	Nowe ah quay Kah bow or Now wah gway gah bow.	Fred Summers	23	Do.
60	Maish kowe Kah bow or Maysh kow e gah bow.		24	Do.
61	Kay bay nah gay or Kah be bowe o kay.		38	Do.
62	Pay wah ne muck	Sam Martin	29	Do.
63	Day tah tah bung ay	Henry Martin	48	Seal.
64	Wah ge ne min dung		23	His x mark, seal.
65	Osh Konge or Ene we zain		21	Do.
66		Edward Reese	45	Seal.
67		George Reese	25	His x mark, seal.
68		Herald Reese	23	Do.
69	Re dway way be nais		27	Do.
70		James Jo Taylor	30	Seal.
71	Ah ne me Kee wub		22	His x mark, seal.
72	Ay zhe gwon ay ge shig	Silas Soldier	18	Seal.
73	May ze day skung or May zhe day		19	His x mark, seal.
74	Wah me yay Ke shick		47	Do.
75	Ke way Ke shick		22	Do.
76	May mis Ko no way		52	Do.
77	Man che cum y waib		40	Do.
78	May dway yaush or Mayn way way ansh.		25	Do.
79	Ah but or Sah bud		18	Do.
80	Kay bay ah bun dong		45	Do.
81	Ah ne me Keence	Little Thunder	26	Do.
82	Be dah wah cum ig waib or Pe tah wah cum ig waib.		24	Do.
83	Aush she gon or Ah she gun		57	Do.
84	Kay bay cum ig ish Kung		37	Do.
85	Ke way din		18	Do.
86	Quah yay Kosh		26	Do.
87	Ko jeence		52	Do.
88	Pish ance or Pe zheece		25	Do.
89	Muk Ko tay or Muk o dai		27	Do.
90	Kay gway dub e tong or Kay tah ke wub e tung.		24	Do.
91	Bay bah ne gon nee		18	Do.
92	Ke oos	John	43	Do.
93	O dish quay ge shig		51	Do.
94	Me zhe ah mung or May zhuk ke un nung.	Lowering Star	31	Do.
95	Oh mah tis or O mud iz		21	Do.
96	Bah ah je gwon or Oke che dah		18	Do.
97		Fred. Weaver	21	Do.
98	Mah Kah day ah nah quod	Black Cloud	32	Do.
99	Ne he day ge shig	Weaving Sky	38	Do.
100	Wee suck or We sug		27	Do.
101	Kan gaun ah waub or Wah gun ah waub.		52	Do.
102	Oge mah wud che waib		48	Do.
103	Pe noy su		39	Do.
104	Nun dah wun ub or Nun duh o nub.		34	Do.
105	Nay tan way way ansh		33	Do.
106	May mis Ko no way		18	Do.
107	Min oge shig	George Morrison	30	Do.
108	Man che ann ah quod		52	Do.
109	O he san e ge shig	Grant Jackson	31	Do.
110	Nah zhe nay quay	Lowering One's Self	29	Do.
111	An ne but	Albert	24	Do.
112	Kuning	John Bonga	19	Seal.
113	Pah zhe ge bin ais	Jno. Warren	18	Do.
114	Te bish co yaush	Edward Johnson	22	Do.
115	Nay tow o say	Henry Hudson	22	Do.
116	Kay bay wainee	William Butcher	20	Do.
117	Zozay	Joseph Charette	30	His x mark, seal.
118	Kay bay Kah bow or O zhow wush ko ge shig.		37	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
119	Me Zhuck e gwon abe or May zhue e gwon abe.	....	40	His x mark. seal.
120	Shay nah wish Kung		37	Do.
121	Me gee zeence	Jim Nay tun ish skung	38	Seal.
122	Paish e gwan abe		41	His x mark. seal.
123	Osh ge now anice or Osk kin owe ay.		67	Do.
124		James Bonga, jr	32	Do.
125	Ko tum yaush or Ke tah mash		35	Do.
126		James Taylor, sr	54	Seal.
127	Paish ah cum ig		31	His x mark. seal.
128	Ah je jank	Frank Smith	27	Seal.
129	Nay che wah pe tung		25	His x mark. seal.
130	Pay bah ge new		22	Do.
131	Ah Ke wain zie		34	Do.
132		Joseph Weaver	19	Do.
133		Peter Bonga	45	Do.
134	Tah co min nay	Charles C. Martin	24	Seal.
135		Henry Bonga	18	Do.
136	Ah zhe day aush		66	His x mark. seal.
137	Ke new aince		28	Do.
138	She mah gun ish		47	Do.
139	Que we zaince ish		31	Do.
140	Pay bah oomb e bee		30	Do.
141	Nay che wah quan aung		42	Do.
142		Peter Taylor	24	Seal.
143		William Bonga	36	Do.
144	Way Zowe co ny ay		21	His x mark. seal.
145	Ah ne me ke woub		52	Do.
146	Kah ge gay gah bow		22	Do.
147	Way zowe gwon abe		18	Do.
148	Mah ge cum ig wabe		18	Do.
149	Pah oom be bin aise	John Monroe	22	Do.
150	She bing go gwon		80	Do.
151	Ay nuh wuh quoh ung		24	Do.
152	Nay sin way way we dung		18	Do.
153	Gog wuh yaun		52	Do.
154	Ne o gah bow		28	Do.
155	Pay bah ne gon nee		30	Do.
156	O gub ay ah wun		40	Do.
157	Way me to goshe		76	Do.
158	May yah wuh tah gay		42	Do.
159	In de bay we ne ne		82	Do.
160	I eeng e gah bow or Aung e gah bow.		25	Do.
161	Ah zhow e ge shig		63	Do.
162	May zhau wash co ge waib		24	Do.
163	Nay taw wah cum ig ish Kung		42	Do.
164	Tay dug wah bun dung		27	Seal.
165	Kah we taws Kung		45	His x mark. seal.
166	Bug wah ge we nee ne or Pah gwotch e ne nee.		30	Do.
167	Ah zhah wah nah quod		18	Do.
168	Nub un ay ge shig or Nub un		29	Do.
169	Now e ge shig (chief)		77	Do.
170	Kah we tah gah bow		29	Do.
171	Bay bah o nub		52	Do.
172	O yay quoh ge shig or O my yay quah ge shig.		43	Do.
173	Tay baus e gay		29	Do.
174	Mush howe aun ah quod		20	Do.
175	Nub un ay cum ig ish kung		46	Do.
176	Shob way way gwon abe		18	Do.
177	Tay dah cum ah ge wabe (chief)		52	Do.
178	Tuh e shig		36	Do.
179	May no gwon (chief)		33	Do.
180	Ah ke wen zie	Robert Dajaddon	44	Do.
181	Kay guay je gah bow	Charles Aitkin	20	Do.
182	Kay bay no din		27	Do.
183	Ay ne we gwon abe		30	Do.
184	Kay zhe po gah bow		33	Do.
185	Mon owe		78	Do.
186	Ah be to e no nee		51	Do.
187	Tah baus e gay		29	Do.
188	Kah ge gay bin ais		18	Do.
189	Nah may we ne ne	Sturgeon Man	42	Do.
190	May dway wah we nind		42	Do.
191	Be zhe kee		37	Do.
192	Nay gon ndjeence		19	Do.
193	Kay gah ge gid ood		39	Do.
194	Kay dah ge gwon		32	Do.
195	Nay nah ah ge waib or Nay nah aung abe.		67	Do.
196	Cheeng wansh		20	Do.
197	Ke be dway aush		18	Seal.

No.	Indian name.	English name.	Age.	Mark and seal.
198	Kay nauinen dung	Walter Kenna	18	His x mark, seal.
199	Kah ge gay bin ais (chief)		87	Do.
200	Puh je bish Kung or Puh jub ish Kung.		32	Do.
201	Ah Ke wen zie		18	Do.
202	O ge mauuce or O ge mah be nais.		37	Do.
203	Wah bah se gay		27	Do.
204	O dah mud ge way ge shig		72	Do.
205	O bim way way ge shig		28	Do.
206	May zhah ke way be dung		18	Do.
207	Kah ge gay aun ah quod		32	Do.
208	Pe shig o qiuy		84	Do.
209	sah gwod		42	Do.
210	Kah be bone o Kay		62	Do.
211	Wah be seshe		32	Do.
212	Nesh o bin ais		18	Do.
213	May dway gun o nind		41	Do.
214	Kay bay o say		31	Do.
215	May zhue e un ung		22	Do.
216	Ah Ke wenzie	George Aitkin	26	Seal.
217	Kay bay ze nind		52	His x mark, seal.
218	Pah osm be benais		30	Do.
219	Bud cese		23	Do.
220	Pug o nay cum ig		37	Do.
221	Kay bay cum ig ish Kung		20	Do.
222	Wah se ge won		23	Do.
223	May dway cum ig ish Kung		62	Do.
224	Ah ne me keence		31	Do.
225	Pe dann ah quod		18	Do.
226	Nay tum ish Kung (chief)		62	Do.
227	Pe tow (chief)	Peter Morrison	32	Do.
228	Kah mah Kah tay wah zhay (chief)		60	Do.
229	Nah gon ah be tung		34	Do.
230	Wah ban e quay (chief)		34	Do.
231	Kay bay ah mah je wabe (chief)		47	Do.
232	O ge mah wah je way aush		57	Do.
233	Way zow ob e tung		34	Do.
234	I yah be dway we dung		66	Do.
235	Kay bay o ge mah		27	Do.
236	Wah be be she ke		32	Do.
237	Kan Kag e waush		70	Do.
238		Henry T. Belanger	48	Seal.
239	Osh Kin oway		24	His x mark, seal.
240	O be quod		54	Do.
241	Pah gway cub		32	Do.
242		Antoine Bellecourt	50	Do.
243		Joseph Bellanger, sr	73	Do.
244		George Bellanger	20	Do.
245	I ah bwa quah nng	Francis Bellanger	38	Do.
246	Ay sin e wah cum ig		39	Do.
247	Mosh Kin ay aush		40	Do.
248	Pe zhe Ke	Joseph Morrison	27	Do.
249	Ah bow e Ke shig		37	Do.
250	Te bish co gah bow		19	Do.
251	May Kah tay we gwon abe		18	Do.
252	Bay dah dung ay aush		60	Do.
253		John Morrison	22	Do.
254	Ah wans cence	Lawrence Roberts	32	Seal.
255	Pay shaw tum		31	His mark, seal.
256		Joseph Bunge (Bellanger)	23	Do.
257		George Andrews	19	Seal.
258		Peter Parker	21	Do.
259		Peter Bellanger	24	His x mark, seal.
260	Pe daus e gay		40	Do.
261		Joe H. Bellanger	30	Do.
262		Paul Bellanger	78	Do.
263	May tig o way		50	Do.
264	Ah go yaush		41	Do.
265		Henry E. Martin	21	Seal.
266		John L. Bellanger	29	His x mark, seal.
267		Joseph Bellanger, jr	26	Do.
268		Joseph Henry Quinlan	23	Seal.
269	Pah zha gosh		77	His x mark, seal.
270	May nway way be mis		42	Do.
271	May zhue e bin ais		37	Do.
272	Ne o gah bow		42	Do.
273	Ke wuh zhuck oonce		39	Do.
274	O kun de cun		68	Do.
275		Joseph Bellecourt	24	Do.
276	Kay zhe way way aush	Bostwick Morrison	50	Do.
277	Shay shah wah baush		30	Do.
278	Way jou e me gwon		46	Do.
279		Pierre Bellanger	62	Do.
280	Ne ban o say		19	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
281	Wah be seshe		52	His x mark, seal
282	Nauzh ah cum ig ish kung		24	Do.
283	Kay dah ke gwan ay aush (chief)		48	Do.
284	O ge mah		52	Do.
285	Aysh quay be tung		25	Do.
286	Pe she ke wah chu		33	Do.
287	Ah zhe gaunce		72	Do.
288	Ke ge gah nah quod, or kah ke gay ah nah quod.		21	Do.
289	Mah je gah bow		62	Do.
290	Ke me we gunch		27	Do.
291	shay shah wah baush		23	Do.
292	shay shay way ke shig		33	Do.
293	Ah zhow ah cum ig ish kung		34	Do.
294	May ah we gah bow		23	Do.
295	Way wah sung		82	Do.
296	Ay zhun so way		33	Do.
297	Pah nees sah be tung		18	Do.
298	Te bish Ko Ce shig		27	Do.
299	Bay bah mah je wabe		34	Do.
300	Ah gwe tow e Ke shig		26	Do.
301	Way wan sung		43	Do.
302	Kah Ke way aush		20	Do.
303	Way zhan wush quan dung		18	Do.
304	Mis co bin ais		24	Do.
305	May dway wah we nind		42	Do.
306	Mush Kah wah be tung		43	Do.
307	William		23	Do.
308	Ay ne wah cum ig wabe		35	Do.
309	O ge mah ain ish		32	Do.
310	Way jou e me gwon		25	Do.
311	Day bo wah dung		29	Do.
312	Nay tah waush		38	Do.
313	Ne ó Ke shig		18	Do.
314	O zhe gaunce		48	Do.
315	O be quod ance, No. 2		27	Do.
316	Pah Ke nah gay (No. 2)		24	Do.
317	Pah Ke nah gay (No. 1)		62	Do.
318	Nah bun ay cum ig		42	Do.
319	Kay pau gaun ah quod		30	Do.
320	Be me day gahn		58	Do.
321	Pah gutch e gah bow		25	Do.
322	Ay gos e gwon ay aush		47	Do.
323	Mah Kah day wub		56	Do.
324	O me be Ke shig		32	Do.
325	Shaw wun ah cum ig		53	Do.
326	Shah bo aunce		32	Do.
327	Kah Ke gay aung aib		23	Do.
328	Me nah quod		32	Do.
329	Boin aunce ish		42	Do.
330	Qwe we zaince e Kah je gun		42	Do.
331	Ah be tah wah cum ig ub		19	Do.
332	Be co ge Kah be		42	Do.
333	Ish quay gwon abe		32	Do.
334	Ke me wun ann ah quod		42	Do.
335	I cen dub		21	Do.
336	Mah je gah bow		37	Do.
337	Saung way way cum ig ub		29	Do.
338	Me zhe gwon e Ke shig		26	Do.
339	Ah wans cence		50	Do.
340	Ne zhe Kay we gah bow (chief)		52	Do.
341	May shuck e aunkg		72	Do.
342	Ke we zan woun de bay		67	Do.
343	Song ah cum ig		56	Do.
344	Ke we tah gah bow		22	Do.
345	Paw gum way wny Ke shig		32	Do.
346	Shan baush Kung		34	Do.
347	Ah bway gwan		32	Do.
348	May quon e be nais		26	Do.
349	Wah be shesh		62	Do.
350	Mun e do aince ish		72	Do.
351	Day dodge		72	Do.
352	Kah be mah be		37	Do.
353	Ke che Kah me tah yaush		82	Do.
354	O be quod aince		30	Do.
355	O be quod aince No. 1		48	Do.
356		Allen Oliver	18	Do.
357	O zan me Ke shig (chief)		60	Do.
358	Mah je ann ik waib		19	Do.
359	Ah Kuk unzh		42	Do.
360	Tay cum ah je waib (chief)		24	Do.
361	Shan yan go say		68	Do.
362	Ain dus o ke niew		20	Do.
363	Way oon ding		19	Do.
364	Mah je ann ah quod		19	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
365	Kay zhe way we dung		18	His x mark. seal.
366	Ne sho dain		19	Do.
367	Nah may bin		33	Do.
368	Song ge ge shig (chief)	Strong day	36	Do.
369	Nay tah we gah bow (chief)	One who stands well	42	Do.
370	Way ge mah wish Kung (chief)	King of what he steps on	66	Do.
371	Tom Boy (chief)	He Fell	50	Do.
372	May ge ah ne quabe	The growing hair	37	Do.
373	Pah dway we dung	The coming sound	28	Do.
374	Way ge mah waung gay	King of the wing	52	Do.
375	Nah obe be	The four setter	18	Do.
376	Kah we tah way we dung	The Universal Voice	33	Do.
377	Ke way Ke new		25	Do.
378	Ah mah ge way ah be co say		24	Do.
379	Antoine		18	Do.
380	Kay zhe aush		43	Do.
381	Wah we ay cum ig ish Kung		31	Do.
382	Min ow ann e go ge shig		57	Do.
383	Nay tah waush		47	Do.
384	Om bim way way ge shig		36	Do.
385	Qwe we zainee, or Kay bay be tung.	Little Boy	21	Do.
386	Paish e quon	Stripped feather	21	Do.
387	Me zhah gah may ge shig	Reaching shore day	52	Do.
388	Kay bay ah je woun	End of Current	67	Do.
389	Ne bah o sake	Night Walker	42	Do.
390	Kay Kay quosh	Hauk Sail	52	Do.
391	Nay tum e ge gid	First Speaker	23	Do.
392	Pug un auk	Hazzle Brush	37	Do.
393	Aug ge guon abe	Changing Feathers	32	Do.
394	Qway Ke gah bow	Turning around	18	Do.
395	Ah be tah ah nah quod	Half Cloud	42	Do.
396	Dejardon, or Bud cese	Dejardon	87	Do.
397	Mais co co nays ay	Red Robe	52	Do.
398	Paul Dejardon	Paul Dejardon	52	Do.
399	Kay bays Kung	Maid the Round	23	Do.
400	O jib wainee	Little Chippewa	66	Do.
401		James Fisher	40	Do.
402	Mah ge cum ig ish Kung		60	Do.
403	Ne gon e be nais		30	Do.
404	Wain de go wub		26	Do.
405	Nah gah naush		24	Do.
406	May me te gozhe		19	Do.
407	Shay nuh wish Kung		56	Do.
408	Nanzh o we nind		22	Do.
409	Kay bay ge woun abe		20	Do.
410	Te bish co ge shig		52	Do.
411	Jeen dub		32	Do.
412	O jib wainee		34	Do.
413	Nah gah nah cum ig ish Kung		24	Do.
414	I eah beance		24	Do.
415	Me shene	Geo. Reese	21	Seal.
416	Pe quow quod once		55	His x mark. seal.
417	Pe dway way on ah quod		51	Do.
418	May zhue e yaus e gay		25	Do.
419	Mah ge ge shig		33	Do.
420	Tay dah tub aung ay		31	Do.
421	Kah wit ah shkung		51	Do.
422	Way jaw ne mway way aush		28	Do.
423	Way zaw we co nah ay	Yellow Robe	56	Do.
424	Ke che ah nung		23	Do.
425	Kah we tah aush	Henry Taylor	21	Seal.
426	Sho bah ge shig (chief)		52	His x mark. seal.
427	Mons zo mee (chief)		18	Do.
428	May quom me woub (chief)		48	Do.
429	Quay ke gwon ay beak	Queen. Queen of small band	62	Do.
430	Nah gaun ub		20	Do.
431	I aub ainee		56	Do.
432	Kay bay be tung		21	Do.
433	Nay nah pe ge shig wabe		81	Do.
434	May quom me woub		30	Do.
435	O jib wainee		18	Do.
436	Nah gon aush		18	Do.
437	Osh kin ow ay	John Fairbanks	32	Do.
438	James I ah bainee		22	Do.
439	Kow we tak say		44	Do.
440	Sah ge gwon (abe)		37	Do.
441	Nay way	Joe Bellenger	54	Do.
442			34	Seal.
443	Sah gutch e way shkung		80	His x mark. seal.
444	Jack Ke nis te nean		38	Do.
445	Nay nah e ge shig		27	Do.
446	Pay shig o bin ais		21	Do.
447	May mah ge gwon abe		24	Do.
448	Nay tah we ge shig		27	Do.

No.	Indian name.	English name.	Age.	Mark and seal.
649	I ah bid aun ah quod		60	His x mark. [seal.]
650	Paush kin ay ge shig		30	Do.
651	Mis co ge shig		29	Do.
652	Ay wun e ge shig		45	Do.
653	Ah nah me ay gaw bun (chief)		52	Do.
654	Way we yon id		18	Do.
655	Mah je je woun		36	Do.
656	Way me she me sing		28	Do.
657	Kay ka ke wath		81	Do.
658	Kay dah ge gwon ay aush		48	Do.
659	Qway ke gwon ay aush		24	Do.
660	Wah be zhee nee		57	Do.
661	Kon we tah yaush		37	Do.
662	Joyance	Clement Bellanger	18	Do.
663	May quon e woung gay		40	Do.
664	Way me zhaw mah ge wabe		38	Do.
665	Way wah wee		40	Do.
666	Pe tuel		30	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Leech Lake, Cass Lake, and Lake Winnibigoshish reservations, whose names are subscribed and affixed thereto, and that we were present and witnessed the signature of each.

P. H. Beaulieu, *Interpreter to the Commission.*
Henry Martin, *United States Interpreter.*

H. H. Beaulieu.
Theo. H. Beaulieu.
William Bonga.

Leech Lake, *August 21, 1889.*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

B. P. Shuler, *United States Indian Agent.*
W. C. Hubbell, *Secretary to Commission.*

Aloysius Hermanutz, O. S. B., *Missionary.*
G. A. Morrison.

Leech Lake, *August 21, 1889.*

Executive Mansion, *March 4, 1890.*

The instrument in writing negotiated with the Pillager and Lake Winnibigoshish bands of Chippewa Indians, residing upon the Leech Lake, Lake Winnibigoshish, and Cass Lake reservations, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "that all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

Benj. Harrison.

G.

SIGNATURE ROLLS, PILLAGER BANDS OF CHIPPEWA INDIANS, OTTER TAIL BANDS, WHITE EARTH RESERVATION, MINNESOTA.

We, the undersigned, being male adult Indians over eighteen years of age of the tribe or band of Otter Tail Chippewa Indians, occupying and belonging to the White Earth Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress, approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of said White Earth Reservation as is not embraced in the following-described boundaries, to wit:

Townships 141 and 142 of range 37; townships 141, 142, 143, 144, 145, and 146 of range 38; townships 141, 142, 143, 144, 145, and 146 of range 39; townships 141, 142, 143, 144, 145, and 146 of range 40; townships 141, 142, 143, 144, 145, and 146 of range 41; and townships 141, 142, 143, 144, 145, and 146 of range 42, for the purposes and upon the terms stated in said act, which said lands embraced within said boundaries have been reserved by the commissioners appointed under said act and as therein authorized for the purpose of making and filling the allotments therein provided for, and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words, "to the place of beginning") of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., p. 719), and also to the Executive addition thereto made and described in an Executive order dated October 29, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under the provisions of said act to make and fill allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at White Earth Agency, in the State of Minnesota, this 28th day of July, 1889.

B. P. SHULER,
United States Indian Agent.

W. C. HUBBELL,
Secretary to Commission.

HENRY M. RICE, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

White Earth Otter Tail Pillager Chippewas.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Say tun ish Kung		62	His x mark. seal.
2	Pe tow	Peter Morrison	52	Do.
3	Kah nah Kah tay wah zhay		60	Do.
4	Nah gon ah be ting		54	Do.
5	Wah ban e quay		54	Do.
6	Kay bay Mah nah je wabe		47	Do.
7	Oge Mah wah je way aush		57	Do.
8	Way zon ob e ting		51	Do.
9	I yah be dway we dung		66	Do.
10	Kay bay O ge nah		27	Do.
11	Wah be be she ke		32	Do.
12	Kah Kag e waush		70	Do.
13		Henry F. Bellenger	48	Seal.
14	Osh Kit On ay		24	His x mark. seal
15	O be quol		34	Do.
16	Pah gway eub		32	Do.
17		Antoine Bellecourt	30	Do.
18		Joseph Bellanger, sr	73	Do.
19		George Bellanger	30	Do.
20	I yah ban quah ung	Francis Bellanger	58	Do.
21	Aysin e wah eum ig		39	Do.
22	Mosh Kit ay aush		40	Do.
23	Pe zhe Ke	Joseph Morrison	27	Do.
24	Ah bow e ge shig		37	Do.
25	Te bish eo gah bow		19	Do.
26	May Kah bay we gwon abe		18	Do.
27	Bay bah dung ay aush		60	Do.
28		John Morrison	22	Do.
29		Lawrence Roberts	32	Seal.
30	Pay shaw mun	Pay shaw mun	31	His x mark. seal
31		Joseph Bungo Bellenger	23	Do.
32		George Andrews	19	Seal.
33		Peter Parker	21	Do.
34		Peter Bellenger	24	His x mark. seal.
35	Pe daus e gay		40	Do.
36		Joe. N. Bellenger	30	Do.
37		Paul Bellenger	73	Do.
38	May tig o way		50	Do.
39	Ah go yaush		41	Do.
40		Henry F. Martin	21	Seal.
41		John L. Bellanger	29	His x mark. seal.
42		Joseph Bellanger, Jr	26	Do.
43		Joseph Henry Quimun	23	Seal.
44	Pah zha gosh		77	His x mark. seal.
45	May nway way be nais		62	Do.
46	May zhue e bin ais		37	Do.

White Earth Otter Tail Pillager Chippewas—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
47	Ne o gah bee		42	His x mark. [seal.]
48	Ke wah zhuck osaew		39	Do.
49	O Kun de cun		68	Do.
50		Joseph Bellecourt	24	Do.
51	Kay zhe way way aush	Bostwick Morrison	30	Do.
52	Shay shah wah baush		39	Do.
53	Way jon e me gwon		46	Do.
54		Pierre Bellenger	62	Do.
55	Ne baw osay		79	Do.
56	Wah be wahe		52	Do.
57	Nauzh ah cum ig ish Kung		24	Do.
58	Mah Kah day aun ah quod		32	Do.
59	Naytah w h cum ig ish Kung		42	Do.

Otter Tail signatures.

No.	Indian name.	English name.	Age.	Mark and seal.
60	Kay dah ge gwon ay aush (chief)		48	His x mark. [seal.]
61	O ge mah		32	Do.
62	Aysh quay be tung		25	Do.
63	Pe she ke wah ebo		23	Do.
64	Ah zhe gaunce		72	Do.
65	Ke ge gah nah quod. (Kah ke gay ah nah quod.)		21	Do.
66	Mah ge gah bow		62	Do.
67	Ke me we gunch		27	Do.
68	Shay shah wah baush		23	Do.
69	Shay shay way Ke shick		33	Do.
70	Ah zhow ah cum ig ish Kung		34	Do.
71	May ah we gah bow		33	Do.
72	Way wah s ung		82	Do.
73	Ay zhaw so way		33	Do.
74	Pah nees sah be tung		18	Do.
75	Te bish Ko Ke shig		27	Do.
76	Bay bah mah ge wabe		34	Do.
77	Ah gwe tow e Ke shig		26	Do.
78	Way wan sung		43	Do.
79	Kah Ke way aush		30	Do.
80	Way zhan wush quan dung		18	Do.
81	Mis co bin ais		24	Do.
82	May dway wah we nind		42	Do.
83	Mush Kah wah be tung		43	Do.
84	William		23	Do.
85	Ay ne wah cum ig wabe		35	Do.
86	Oge mah ain ish		32	Do.
87	Way jon e me gwon		25	Do.
88	Day be wah ding		29	Do.
89	Say tau waush		38	Do.
90	Ne o Ke shig		18	Do.
91	O zhe gaunce		48	Do.
92	O be quodance. No. 2		37	Do.
93	Pah Ke nah gay. No. 2		24	Do.
94	Pah Ke nah gay. No. 1		62	Do.
95	Nah bun ay cum ig		32	Do.
96	Kay pau gaun ah quod		30	Do.
97	Be me day gaun		38	Do.
98	Pah guich e gah bow		25	Do.
99	Ay gwe e gwon ay aush		47	Do.
100	Mah Kah day wub		36	Do.
101	Om be Ke shig		22	Do.
102	Shaw wun ah cum ig		31	Do.
103	Shah bo gunce		22	Do.
104	Kah Ke gay aung aib		23	Do.
105	Me nah quod		32	Do.
106	Bein aince ish		42	Do.
107	Qwa we gaince e Kah je gun		42	Do.
108	Ah be tah wah cum ig ub		19	Do.
109	Be co ge Kah be mah be		32	Do.
110	Ish quay gwon abe		32	Do.
111	Ke me wun aun ah quod		42	Do.
112	I con dub		21	Do.
113	Mah che gah bow		37	Do.
114	Saung way way cum ig ub		29	Do.
115	Me zhe gwon e Ke shig		26	Do.
116	Au waus cence		50	Do.
117	Ne zhe kay we gah bow (chief)		52	Do.
118	May shuck e sunkg		32	Do.

Otter Tail signatures—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
119	Ke we zaw wum de bay		67	His x mark. seal
120	Song ah cum ig		55	Do.
121	Ke we tah gah bow		22	Do.
122	Pan gum way way ke shig		52	Do.
123	shah baush kung		34	Do.
124	Ah bway gwan		32	Do.
125	May qwom e be nais		26	Do.
126	Wah be shesh		62	Do.
127	Mun e do aince ish		72	Do.
128	Day doige		52	Do.
129	Kah be mah be		37	Do.
130	Ke che kah we tah yaush		82	Do.
131	O be qnod aince		30	Do.
132	O be qnod aince 1		48	Do.
133		Allen Oliver	18	Do.
134	O zan we ke shig (chief)		60	Do.
135	Mah je aun ik waib		49	Do.
136	Ah kuk auch		42	Do.
137	Tay cum ah je waib (chief)		24	Do.
138	shan yun go say		68	Do.
139	Aindus ke new		20	Do.
140	Way oon ding		19	Do.
141	Mah je aun ah quod		19	Do.
142	Kay zhe way we dung		18	Do.
143	Se zhe dain		19	Do.
144	Nah may bin		83	Do.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Otter Tail Chippewa Indians occupying the White Earth Reservation, whose names are subscribed and affixed thereto, and that we were present and witnessed the signature of each.

C. H. BEAULIEU, Sr.,
H. H. BEAULIEU,
J. E. PERREAULT,

C. H. BEAULIEU, *Interpreter to the Commission.*
WM. V. WARREN, *United States Interpreter.*
Interpreters.

WHITE EARTH AGENCY, MINN., *July 29, 1889.*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

JOSEPH HOLE-IN-THE-DAY,
WM. F. CAMPBELL,
THEO. H. BEAULIEU,
G. A. MORRISON.

WHITE EARTH AGENCY, MINN., *July 29, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing negotiated with the Otter Tail band of Indians, occupying and belonging to the White Earth Reservation, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "that all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

I.

AGREEMENT WITH CHIPPEWA INDIANS OF GRAND PORTAGE RESERVATION, WITH SIGNATURES.

We, the undersigned, being male adult Indians over eighteen years of age of the tribes or bands of Chippewa Indians occupying and belonging to Grand Portage Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding

have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to the said Grand Portage Reservation, in the State of Minnesota; and we do also hereby cede and relinquish to the United States all title and interest that we may have in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at Grand Portage, on the Grand Portage Reservation, in the State of Minnesota, this 24th day of October, 1889.

MARTIN MARTY, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Iah be dway waish Kung (chief).	Jos. Cariboo	22	His x mark, seal.
2	Louis May maush kow aush (chief).		64	Do.
3	Coffee Makoso (chief)			
4	Joseph L. Memashkawash		34	Seal.
5	Peter Memashkawash		43	Do.
6	Paul Masquash (Maymaush Kow aush).		53	Do.
			58	Do.
7	Joe L. Mamashquash		38	Do.
8	Louis L. Memash Kaneush		31	Do.
9	Frank Memashquash (Frank L. M.).		28	Do.
10	Geo. Waganab			
11			31	Do.
12		Alex. Montferrand	32	Do.
		Jos. Godfrey Montferrand	36	Do.
13	Moses Madwayosh		55	Do.
14	Charles Makorooy		30	Do.
15	John B. Nahbahgahdoway		60	His x mark, seal.
16	Jemer Flatte (Nah bah gat do way).		28	Seal.
17		Wesh tash Thomas	30	Do.
18		Moses Thomas	25	Do.
19	Michel Mabakatwe		25	Do.
20	Louison Bah gwotch e nemee		40	His x mark, seal.
21	Narcipe Weesh Koob		26	Seal.
22	George Anagwat		25	Do.
23	Day dah cum aush	John Frost	38	His x mark, seal.
24	Kay zhe way we dong		65	Do.
25		Thomas Thomas	43	Do.
26		John Cariboo	41	Do.
27	Joseph Shau wun o be tung		51	Do.
28		Jacob Longbody	23	Do.
29		F. Paro	37	Do.
30	Peter Quod once		34	Do.
31	Kah Ke no she ah way		60	Do.
32	Njoto (Nezhodain Longbody)		36	Do.
33		John Morrison	36	Do.
34	Leon Shauwune keshig		21	Do.
35	Martel Ahnahquod		51	Do.
36	——?	John Pine Lake	34	Do.
37		Joseph Longbody	36	Do.
38	Qjeme Ke shig		40	Do.
39	Ozauwush Ko Ke shig		36	Do.
40		David Cariboo	34	Do.
41		Swamper Cariboo	20	Do.
42	Shinge bis		53	Do.
43	Frank Quodonce		24	Do.
44		Wm. Cariboo	65	Do.
45		Jackson Cariboo	26	Do.
46	Paush Ke nayaush (Cariboo)		24	Do.
47	Ay ne we gah bo		21	Do.
48	O gah bay aun ah quod		28	Do.
49	Maush Ke gwah tik		83	Do.
50		Paul Laplante	44	Do.
51	Wah say gah bo		48	Do.
52	Me neh ay gonce		58	Do.
53		James Morrison	42	Do.
54	Luians	Leonce Cariboo	35	Do.
55	Joseph Bemashgnash		25	Do.
56		Paul Morrison	50	Do.
57		Dominick Flat	35	Do.
58	Charles Ah nah quod		28	Do.
59	Alex Ah nah quod		18	Do.
60		Antoine Filison	42	Do.
61	Wah bun ish shay way		80	Do.

o.	Indian name.	English name.	Age.	Mark and seal.
2	Peter Pah pah Ke nais		37	His x mark. seal.
3		J. B. Morrison	19	Do.
4	Joseph Weesh Koob		21	Do.
5		John Beargrease	28	Do.
6	N. P. Maymaush Kow aush		21	Do.
7	Frank P. Maymaush Kow aush		28	Do.
8	Wm. Bah gwotch e ne nee		31	Do.
9	Jos. Bah gwotch e ne nee		24	Do.
0		Fraud Lesuge	43	Do.
1		Joseph Fisher	22	Do.
2		Peter Morrison	18	Do.

We do hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Grand Portage Reservation, whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU, *Interpreter to the Commission.*
JOHN MORRISON, *Interpreter.*

GRAND PORTAGE RESERVATION, MINN., *October 24, 1889.*

We do hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

G. A. MORRISON.
PETER DUFAULD.

W. C. HUBBELL,
Secretary to the Commission.

GRAND PORTAGE RESERVATION, MINN., *October 24, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing negotiated with the Grand Portage bands of Chippewa Indians, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "that all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

K.

AGREEMENT WITH CHIPPEWA INDIANS OF FOND DU LAC RESERVATION, WITH SIGNATURES.

We, the undersigned, being male adult Indians over eighteen years of age, of the tribes or bands of Chippewa Indians occupying and belonging to Fond du Lac Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress, approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing instrument, and, after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all right, title, and interest in and to the said Fond du Lac Reservation in the State of Minnesota; and we do also hereby cede and relinquish to the United States all right, title, and interest that we may have in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed, at the schoolhouse on the Fond du Lac Reservation, in the State of Minnesota, this 21st day of November, 1889.

HENRY M. RICE, [SEAL.]
MARTIN MARTY, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

Fond du Lac signatures.

No.	Indian name.	English name.	Age.	Mark and seal.
1	Naganao (chief)	Nabanab	90	His x mark. seal.
2	Annemassung (chief)	Annemassung	60	Do.
3	Natchegwanabe	Matchegwanabe	65	Do.
4	Joseph Haule, sr	Joseph Haule, sr	57	Do.
5	Frank Omodaeans	Frank Montroy	37	Do.
6	Antons Cadreaux	Antone Cadreaux	37	Do.
7	Frank Defoe	Frank Defoe	57	Do.
8	Nebequan	Charles January	30	Do.
9	Babogamash	Frank La Varge	42	Do.
10	Petere Lemleux	Peter Lemleux	39	Do.
11	Joseph Levarge	Joseph Levarge	42	Do.
12	John Lemleux	John Lemleux	20	Do.
13	Nawatche	Frank Haule, sr	58	Do.
14	Ben Lagee	Ben Lagee	47	Do.
15	Ogemawatchewabe	Joseph Obegwat	28	Do.
16	Frank Lemleux, jr	Frank Lemleux, jr	24	Do.
17	Sosay Waheskegwan	Joseph Whitebird	25	Do.
18	John Sharow	John Sharow	48	Do.
19	Getagapeno	Joseph Frank	51	Do.
20	John Gurno	John Gurno	18	Do.
21	Anodagan	Mitchell Petete	45	Do.
22	Sabadees Cadotte	John B. Cadotte	71	Do.
23	Alex Haule	Alex. C. Haule	18	Do.
24	Ogeste	Gus. Cadotte	65	Do.
25	Mansinaigans	Joseph Shotland	57	Do.
26	Joseph Cooper	Joseph Cooper	35	Do.
27	Paul Lagard	Paul Lagard	35	Do.
28	.....	Charles Craotte, jr	23	Do.
29	.....	Edward Smith	32	Do.
30	.....	Charles Laundrie	24	Do.
31	.....	Louis McKenzie	22	Do.
32	Bamegeshiek	Antone Coby	48	Do.
33	Ichebatchegaad	Frank Haule, jr	28	Do.
34	Badash	Joseph Defauld	64	Do.
35	Ba-Bagamiskung	Henry Martin	23	Do.
36	.....	Peter Shotland	24	Do.
37	.....	Joseph Posey	23	Do.
38	.....	Louis Shotland	28	Do.
39	.....	James Shotland	22	Do.
40	Songgakamig	Joseph Petete	38	Do.
41	Benanse	Joseph Blair	52	Do.
42	Gadagegwacabe	John Naabanwa	46	Do.
43	Makoons	Charley Littlebear	49	Do.
44	.....	Frank St. John	58	Do.
45	.....	John O'Sagle	32	Do.
46	.....	Albert Lee Lord	25	Do.
47	.....	Felix Henry Lord	23	Do.
48	.....	Brazile Lord	20	Do.
49	.....	Eustache Laundrie	21	Do.
50	Dacum	Joe Beargrease	48	Do.
51	.....	Joe J. Cadotte	27	Do.
52	.....	Frank Cadotte	25	Do.
53	.....	Benjamin Cadotte	20	Do.
54	Bedwawgesheck	Peter John Annisossing	30	Do.
55	Naaamegaabawe	David Annimossing	28	Do.
56	Neansoiash	William James	22	Do.
57	Wabesharg-ge-die	Peter Annimossing	27	Do.
58	Gaoawesay	Edward Michell	40	Do.
59	Louis Laprarie	Louis Laprarie	36	Do.
60	.....	Joseph Sharette, sr	95	Do.
61	.....	Joseph Houle, jr	23	Do.
62	.....	David Ruttle	24	Do.
63	Saoswae Burbooyea	Frank Laundry	27	Do.
64	Sabadees Burbooyea	John Laundry	29	Do.
65	Antone Makadamikwoquay	Antone Lafave	20	Do.
66	Anninassung Gabsobgahtub	Joe Martin	49	Do.
67	Misseael	Snow Ball	45	Do.
68	Anewab	Anewab (Geo. Samuels)	45	Do.
69	Ah-yah-bans	Buck sky	35	Do.
70	Mah-ne-doons	Louis Sky	40	Do.
71	Koway-kay-Shig	Frank Sky	42	Do.
72	.....	Francis Roussain	48	Do.
73	.....	Eustache Roussain	46	Do.
74	.....	Jas. I. Coffey	31	Do.
75	.....	Michael Defould	58	Do.
76	.....	Joseph Laundrie	27	Do.
77	.....	Julius Cadotte	37	Do.
78	.....	Antoine Couture	24	Do.
79	Omuk-uk-kee	Pot Sky	55	Do.
80	Son of Anewab	John Samuels	18	Do.
81	.....	John B. Johaway	33	Do.
82	.....	Eugene D. Danielson	29	Do.

Fond du Lac signatures—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
83	.....	Charley W. Danielson	32	His x mark, seal.
84	.....	Wm. O. Coffey	33	Do.
85	Oga	Jos. St. John	24	Do.
86	.....	Charles Lord, jr	29	Do.
87	Soosaywish	Jos. Smith	30	Do.
88	Natwelatahiwag	John Coby	31	Do.
89	.....	Levi Sego	20	Do.
90	Da-Daoashetung	Joseph Batice	48	Do.
91	Waweshegwanabe	William Baties	46	Do.
92	Gadagegwanabeens	Nawegeshagwaskang	19	Do.
93	.....	Frank Jackson	22	Do.
94	Sogegwanabe	John Annimessing, jr	33	Do.
95	.....	George Couture	18	Do.
96	Dabegeshick	Michael Annimossing	18	Do.
97	Shanoo	Peter McCarty	24	Do.
98	.....	Joseph Dejoe, jr	30	Do.
99	Indebans	Jake Papeau	48	Do.
100	.....	Joseph Sharette, jr	53	Do.
101	.....	John McKenzie	20	Do.
102	.....	James McKenzie	18	Do.
103	.....	Frank Lemeaux, sr	65	Do.
104	.....	Peter Beaver	44	Do.
105	.....	F. Laduke	29	Do.
106	.....	Walter Ruttle	20	Do.
107	.....	Jacob Ruttle	23	Do.
108	Wabanoo	John Wabano	72	Do.
109	.....	Trak Godfrey	25	Do.
110	Sahpasishouahum	Joseph Petete	40	Do.
111	.....	Frank Doguttee, jr	27	Do.
112	.....	Joseph Jackson	18	Do.
113	Bagagebanagusauade	Frank Lemeaux	40	Do.
114	Sitawash	Antoine Naganub	45	Do.
115	Minogljigweb	Jos. Naganub	41	Do.
116	.....	Antone Berard	20	Do.
117	.....	John Lagarde	62	Do.
118	.....	Charles Cadotte, sr	54	Do.
119	A Kin (Beaver)	Etienne Lanoix	50	Do.
120	Sharl Boc Kitch	Charles Dingley	60	Do.
121	Bah-be-vo	Joseph Papeau	23	Do.
122	Ke-do-zo-way	Pat McCarty	28	Do.
123	.....	Louis A. Dennis	20	Do.

We do hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Fond du Lac Reservation, whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

FRANK BLATCHFORD,
United States Interpreter.

P. H. BEAULIEU,
Interpreter to the Commission.

JOHN MORRISON, *Interpreters.*

JAS. I. COFFEY.

FOND DU LAC RESERVATION, MINN., *November 21, 1889.*

We do hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

M. A. LEEHY,
United States Indian Agent.

R. G. RODMAN, jr.,
Chief Clerk La Pointe Agency.

W. C. HUBBELL,
Secretary to Commission.

G. A. MORRISON.

PETER DUFAULD.

FOND DU LAC RESERVATION, MINN., *November 21, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing, negotiated with the band of Chippewa Indians occupying and belonging to the Fond du Lac Reservation, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "that all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

L.

AGREEMENT WITH BOISÉ FORT AND DEER CREEK CHIPPEWA INDIANS, WITH SIGNATURES.

We, the undersigned, being male adult Indians, over eighteen years of age, of tribes or bands of Chippewa Indians occupying and belonging to Boisé Fort and D Creek Reservations, in the State of Minnesota, do hereby certify and declare t we have heard read, interpreted, and thoroughly explained to our understand the act of Congress, approved January 14, 1889, entitled "An act for the relief a civilization of the Chippewa Indians in the State of Minnesota" (Public No. 1 which said act is embodied in the foregoing instrument, and after such explanat and understanding, have consented and agreed to said act, and have accepted a ratified the same, and do hereby accept and consent to and ratify the said act, a each and all of the provisions thereof, and do hereby grant, cede, relinquish, a convey to the United States all our right, title, and interest in and to the said Bo Fort and Deer Creek Reservations, in the State of Minnesota; and we do hereby c and relinquish to the United States all right, title, and interest that we may have and to all and so much of the Red Lake Reservation as is not required and reserv under and in accordance with the provisions of said act to make and fill the all ments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at the school-house the Vermillion Reservation, in the State of Minnesota, this 12th day of November, 18

MARTIN MARTY, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners

Signatures of Boise Fort bands.

No.	Indian name.	English name.	Age.	Mark and seal.
1	O Ke mah (chief)		80	His x mark. seal.
2	Tay bway wain dung		52	Do.
3	A nah cum ig ay nung		46	Do.
4	Tah tah be gwon (or Kedah tah be gwan).		50	Do.
5	Kah Ke way austu		57	Do.
6	Hays quah we ke shig		36	Do.
7	Nay maush kah way we dong		27	Do.
8	Ah be ji ke shig		25	Do.
9	Ah nah may ke shig		25	Do.
10	Mays gwan		23	Do.
11	Nay nah e ke shig		21	Do.
12	Pe tow o ke mah		21	Do.
13	O ke mah wub e tung		24	Do.
14	Iah be d way ke shig		19	Do.
15	Wah se gwon aish kung		37	Do.
16	May min o be tung		18	Do.
17	Kah yaushk (chief)		70	Do.
18	Wah bun e tah goos		65	Do.
19	No do naun ah quod		36	Do.
20	Iah ko ke shig		20	Do.
21	Pe dway way ke shig		52	Do.
22	Kay bay we mind		24	Do.
23	Mah ji ah bun dung		34	Do.
24	May zhan ko nway we dung		18	Do.
25	Mah jush kung (chief)		48	Do.
26	Hee sah bay		33	Do.
27	Kay zhe way be nais		34	Do.
28	Paush ke nay aun ah quod		25	Do.
29	Nay nah ke wo ke shig waib		36	Do.
30	Naish kow ah be tung		18	Do.
31	Ay dow aun e quay be nais (chief)		80	Do.
32	Pah dah bum waish kung		45	Do.
33	Ah ji ko shig o kay		35	Do.
34	Ne be ke shig o kay		34	Do.
35	Kah ke gay gwan ay aush		43	Do.
36	Nah ji ke shig waish kung		45	Do.
37	Nay min o gwan		41	Do.
38	O gah bay ke shig		56	Do.
39	O mos unj (May maush kah way ko shig waish kung).		60	Do.
40	Nah waush ko day wainz		28	Do.
41	Bay bah mah dis		19	Do.
42	Ke way aun ah koosh kung		78	Do.
43	Naush kow e ke shig		46	Do.
44	Po dow ah cum ig waib (chief)		82	Do.

Signatures of Boise Fort bands—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
45	Nay min o ke shig waib		65	His x mark, seal.
46	Nah ji way waish kung		50	Do.
47	Ne show e ke shig		29	Do.
48	Nay dway aun dah gaush		50	Do.
49	Wa baui gwan		35	Do.
50	O zah wush ko bo nais		30	Do.
51	Kay bay cum e ke nung		31	Do.
52	Ne taus o kunj		29	Do.
53	O gah bay aun ah quod		26	Do.
54	Pay ke nah gay bo tung		30	Do.
55	Wah sah go naish kung		49	Do.
56	Iah zhe gwan ay aush		23	Do.
57	Shau go dway we dung		18	Do.
58	Way ko mah wub (chief)		53	Do.
59	Me zhau ko nay be nais		30	Do.
60	Ay wah no gwon		23	Do.
61	Iah be daus sung		45	Do.
62	O gah bay gwan ay aush		19	Do.
63	May maush kow e be nais		30	Do.
64	Pah zhe taun ah quod		22	Do.
65	Sho ne ah wu che waib e tung		30	Do.
66	Shau gah naush	Danid McCloud	35	Do.
67	To no		26	Do.
68	Me zhau ke gwan ay aush		50	Do.
69	Maush kow e ke shig od		22	Do.
70	Pah nah jahn	Frank Mezobe	46	Do.
71	O kish ke mah nis sens		53	Do.
72	Ne bah o say		27	Do.
73	Wis sah gah sung		25	Do.
74	Nay tah waun ah quod		25	Do.
75	Bashi da na kueb (chief)	Charles Sucker	38	Do.
76	May maush kah wub		32	Do.
77	Aun ji ke shig		36	Do.
78	Aus sah tah wainz		38	Do.
79	Kah tub		40	Do.
80	Pe wah nuk		32	Do.
81	Ah zhau waun ik way be nais		30	Do.
82	Ay nim way we d ung		77	Do.
83	Nis sah bay		37	Do.
84	Naush kow e ke shig		37	Do.
85	Ne zhau ke be nais		20	Do.
86	Nah wun e quay ke shig		28	Do.
87	Kay ke zhe shig waib		24	Do.
88	Sah gah mah quaish kung		82	Do.
89	Pe dway way gwan (chief)		68	Do.
90	Ke we tah ke shig waib		25	Do.
91	Nay zhau ke gah bo		18	Do.
92	Ay ne way way aush		35	Do.
93	Ay wun ah ji way aush		28	Do.
94	Gi tohe gi ji kweb		30	Do.
95	Kay zhe a tah gis		74	Do.
96	Ke way ke shig		70	Do.
97	Ne gaun e gwan		40	Do.
98	No de no gwon		21	Do.
99		Vincent Dufault	30	Do.
100	Faush ke nay aun ah quod		19	Do.
101	Ke way gah bo		19	Do.
102	Aloc (or We sah ko day we ne nee)		30	Do.
103	Wah ke ke shig (chief)		65	Do.
104	Nay min o ji waib		24	Do.
105	Kay bay bo tung		22	Do.
106	Nay she now ay gah bo		40	Do.
107	Ah ne way ke shig		18	Do.
108	Ah quay way way ke shig		20	Do.
109	Me no ke shig od		22	Do.
110	Wed do ni wis ye kos (Way jah no me tah goos).		20	Do.
111	May ze tay cum ig ish ku ag		48	Do.
112	May zhau ko way wo dung (chief).		40	Do.
113	Ne gaun e ke shig		38	Do.
114	Wah we ay gwan		30	Do.
115	Pe ay nance		40	Do.
116	Sah bah tis		30	Do.
117	Way zahn wush kwub		26	Do.
118	Ke zhe guan ik waib		18	Do.
119	Quay ke cum ig (chief)		56	Do.
120	Me show e ke shig		30	Do.
121	Mayn wah bah mind		28	Do.
122	Tay bus se ke shig waib		35	Do.
123	Joseph Wah boze		46	Do.

Signatures of Boise Fort bands—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
124	Pay she gwon		60	His x mark, seal.
125	No zho tain		35	Do.
126	Muk quay aun ance (Bay baume ke shig).		48	Do.
127	Ke we tah gwan aib		40	Do.
128	Me zhan ke ke shig		38	Do.
129	Kay she bah ke shig		36	Do.
130	Biah be daush		18	Do.
131	Hay dway gwan (chief)		47	Do.
132	Maish kow e be nais		18	Do.
133	No bah be nais		70	Do.
134	Kay ke be taush		24	Do.
135	Pay zin dung		30	Do.
136	Way ma tig oosh		28	Do.
137	He she te ne mah gau		84	Do.
138	Sho now we ko shig		35	Do.
139	Mah ji ke shig (chief)		52	Do.
140	Kay gwaitch		49	Do.
141	Bah be daun ah quaish kung		26	Do.
142	Kah nin dah wah win zo		80	Do.
143	Ay be tung		80	Do.
144	Nay wah ji ke shig waish kung		60	Do.
145	May min o ke shig		31	Do.
146	Day kum (or Tay kum)*		48	Do.
147	Mak ko jut		30	Do.
148	May zahn ke gah bo		50	Do.
149	Qwa we zainceish		60	Do.
150	Bay baum e gah bo		30	Do.
151	Tay bah ko nint		22	Do.
152	Naish wos obe		28	Do.
153	Be naie		23	Do.
154	Quak ke we mind		28	Do.
155	Kah wah bish ke way (chief)		80	Do.
156	May zhan ke aun ik waib		32	Do.
157	Ain dus o		55	Do.
158	Kah ke gay aun ah quod		30	Do.
159	Kay ke nah wah dway we dung		26	Do.
160	Kay bay key shig		20	Do.
161	Nah tah wah sko day way nung		20	Do.
162	Nah guan is said		70	Do.
163	Bud dis	J. Baptist Colin	40	Do.
164	May dway cum igish kung		30	Do.
165	Mah ji way we dung		27	Do.
166	Bay gum way we dung		26	Do.
167	Tay baung ay aush		32	Do.
168	Ke way ke shig waib (chief)		50	Do.
169	Bo aun aun		45	Do.
170	Ain dus o aun ah quod		20	Do.
171	May min o be tung		20	Do.
172	Ke che ke shig waib		30	Do.
173	Bay maun ik waib		28	Do.
174	Kay ke nah wah dub e tung		32	Do.
175	Ne gah nub e tung		58	Do.
176	Ah bid way way aush		65	Do.
177	Ne gaun e gah bo		53	Do.
178	Pe nah wah nis say		20	Do.
179	Bay gah dah ji waish kung		28	Do.
180	Kay kay quaush		20	Do.
181	Pe ego		45	Do.
182	Pe zhe keene		60	Do.
183	May ah wub e tung		20	Do.
184	Nay tah way we dung		32	Do.
185	May taus so gwan aib		35	Do.
186	Ne zho dain (chief)		60	Do.
187	Way jah ne me ke shig waish kung.		60	Do.
188	Pe gwah tah kun ig o we nee		23	Do.
189	Ne tig o muk ak aince		37	Do.
190	Ke way ke shig waib		80	Do.
191	Ah be dway way gwan ay aush		46	Do.
192	O ke mah wub e tung		25	Do.
193	O ke mah		45	Do.
194	Quay ke ke shig		32	Do.
195	May min wah bun dung		39	Do.
196	Bay baum wah je waince		25	Do.
197	Kay bay kum ig e nung		24	Do.
198	O ke mah we gwan aib		65	Do.
199	Shay shay way ke shig o kay (chief).		60	Do.

*By consent, this man's signature is withdrawn, he having been formally admitted into the Fond du Lac bands, where he also signed the agreement.

Signatures of Boise Fort bands—Continued.

No.	Indian name.	English name.	Age.	Mark and seal.
200	O mis sah cum ig o we ne mee		32	His x mark. seal.
201	Mais quah we ke shig		30	Do.
202	Ke be tway ke shig		28	Do.
203	Way we zhe gwan aish kung		70	Do.
204	May min o gwan ay aush		72	Do.
205	Bay baum wu ebu waish kung (chief).		60	Do.
206	Wah be gwan ay aush		32	Do.
	Bay baum way we dung *			Do.
207	Nub bun ay ke shig		46	Do.
208	Kay bay of tah gay		19	Do.
209	Ke ne wance		19	Do.
210		Robert McKay	39	Do.
211	Wawash kesh	Louis Roy	48	Do.
212		Peter Dufauld	27	Do.

* Too young.

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians of the Boise Fort and Deer Creek reservations whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.
JOHN MORRISON,
Interpreter.

VERMILLION RESERVATION, MINN., *November 12, 1889.*

We do hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

G. A. MORRISON.
PETER DUFAULD.

W. C. HUBBELL,
Secretary to Commission.

VERMILLION RESERVATION, MINN., *November 12, 1889.*

EXECUTIVE MANSION, *March 4, 1890.*

This instrument in writing negotiated with the Boise Fort band of Chippewa Indians, occupying and belonging to the Boise Fort and Deer Creek reservations, in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

FIRST AND SECOND COUNCIL AT RED LAKE.

JUNE 29, 1889.

The Indians having assembled, the members of the commission proceeded to the school building, in which the council was to be held, at 2 p. m., and were introduced by B. P. Schuler, Indian agent, after which the meeting was called to order by the chairman.

Prayer was then offered by Bishop Marty.

Mr. RICE. We are commissioned by the President of the United States to lay before you an act passed by the last Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." The only request we have to make is, that in listening to us you will throw behind you all the stories you have heard.

Bishop MARTY. My dear friends, fourteen years ago I left the white people to go among the Indians and devote myself entirely to their welfare. It has long been my desire to come and see the Chippewas, of whom I have heard a great many good things. Father Aloysius had invited me many a time to come and see you, and I was going to do so, when all at once I got an invitation from the President of the United States to come to the Chippewas.

The President invited me to come to you and lay before you a measure which has been adopted for your benefit by the Great Council of the United States. The white people of the United States are now about 60,000,000. I am glad to assure you that the great majority of these people are your friends and desire nothing else but your welfare. Now, the Great Council of this nation has to provide for the welfare of the white people as well as of the Indians. In this particular case the Great Council had before it two different bills. There was one bill presented by the white people who live here in the neighborhood of the Indians, who want to get their lands so as to make use of them, as they are now lying useless. This bill was framed perhaps more for the benefit of the white people than for the benefit of the Indians; but there was, at the same time, another bill before the Great Council of the nation, which had been framed by the very best friends of the Indians, who came to see them about three years ago. So the Great Council of the nation had these two papers; they took this report of the commission that negotiated with you three years ago and corrected in the other bill whatever was injurious to the Indians, and that bill which they consented to three years ago was even, in several points, improved upon and made better than that one was. Later on, when we talk about several points, I will show you those points in which the old bill was made better in this new bill.

As for my part, I can only say that I would not have come here to present this bill to you if I was not convinced that it was the very best thing that you can do for yourselves and for your children. I know that the Great Spirit would punish me if I would ever say or do anything which would not be for the benefit of the Chippewas. It is time that something should be done to improve your condition, which is getting worse from year to year. You are here surrounded by your lands, which are rich and full of good things, but you can not make use of them. You are just like the man would be on the shore of that lake. The lake is full of good fish, but he has no hook and no net, and has nothing to take the fish out with, so he starves for want of something to eat. So the Great Council invites you now to dispose of those lands which you do not need, the proceeds from those lands to be used to improve the other lands which you will keep, so as to make a good use of them. This bill is like the net or the fishhook to take the fish out, so the Indians will have plenty and be well off. As it is, your pine lands are burning; a great many pines are stolen; your property is getting less all the time, and you have no benefit from it at all. But we have been appointed to help you select the very best lands on the reservation for yourselves to keep forever. We must see to it that every one of you gets a good home, and when the lands which you have no use for have been sold that money will be used to give you houses and farming implements and schools, and to make you a happy and prosperous people. You will find that yourselves when you hear this bill read, so I will ask Commissioner Whiting to read this bill for you, and hope you will pay attention and try to understand and remember it as well as you can.

Commissioner WHITING. Men of Red Lake: The distinguished chairman of the commission has requested me to read to you the law under which we come among you.

Commissioner Whiting then proceeded to carefully read the act, phrase by phrase being interpreted as read into the Chippewa language by Paul H. Beaulieu, interpreter for the commission.

Mr. RICE. I thank you for listening so long and so attentively to what has been read. As this is of so much importance to you, it is necessary to take time to consider every point. We are instructed to see that the act be carefully read to you; that accurate interpretations are made of this and of all other communications passing between you and ourselves, and that each and every one of those numerous provisions are explained to your entire satisfaction and understanding.

As the act is very long, we propose to give you until Monday morning at 9 o'clock to consider its contents. We will then listen to you as patiently as you have to us, and if there are any parts which you do not understand we hope you will question us upon them, and we will answer you fully, explaining everything in detail, so you will have all the time you desire to become informed upon the business which we were instructed to bring before you. That is all to-day.

SECOND COUNCIL AT RED LAKE.

MONDAY, *July 1, 1889.*

The council was called to order at 1.35 p. m. by the chairman, after which prayer was offered by Bishop Marty.

The chairman then informed the Indians that the commissioners were ready to hear them, upon which the head chief, through the interpreter, said:

Although we gathered together in council yesterday, we did not complete our deliberations. I was not present at the time; I trusted to a renewal of the explanations.

The chairman then gave at some length the explanations required, after which the Indians retired for further deliberation.

THIRD COUNCIL AT RED LAKE.

WEDNESDAY, *July 3, 1889.*

The council was called to order by the chairman at 1 p. m., after which Bishop Marty offered prayer.

Mr. RICE. We told you that we would give you all the time necessary to deliberate. You have fixed three different times to meet us; you did not keep any of the appointments. We hope you had a good reason for not doing so. We sent for you because you did not come, and we are now ready to hear anything that you have to say.

NE GAUN AH QUOD. I stand up before you as the spokesman of the band, and to show you that my assertion is correct, I proclaim it by a rising vote. [At this time about two-thirds of the Indians present were standing.] I am selected by all the bands pertaining to this lake; not only those who are here, but all the Indians pertaining to this locality, to be their spokesman.

I look to the Master of Life, and thank Him for this meeting. I shall now make known to you the result of our deliberations. We have deliberated over the matter that you have laid before us, and I shall make known to you now our answer. Your mission here is a failure. We never wish hereafter to sign any instrument where anything is blind. We never signed an instrument in which we did not have a voice; we wish to be understood as wanting a hearing in any arrangements that are made for our welfare. We shall each return to our respective homes, but we return as strong friends as we met; no hard feelings will arise out of this transaction. I call again upon the Master of Life, thanking Him for this meeting and the expression of our feelings. That is all.

Mr. RICE. My friends, we have heard the answer that you wish us to send back to the President. For the last ten years, in consequence of your poverty, the Government of the United States has sent you over $10,000 every year as a present. You have made a mistake in saying that you have had no voice in the making of these negotiations. Three years ago you made your wishes known: they were all reported to the President, who considered carefully everything that was said. The message that you now send back, we hardly think, will please him. There are not burning trees enough around the capital to blind his eyes with smoke. Your old and young men around here are idle; we wish to ask you now, as men, how much longer you think the Great Father will wait and continue to see the only substance you have destroyed by fire. Among the white men, if a man burns his own house, he is punished; when your pine is gone you will have nothing left. Is the President going to wait longer, while your pine is being destroyed, and then be compelled to support you? This is a question for you to answer among yourselves.

Commissioner WHITING. Men of the reservation: Assembled on the shores of one of the most beautiful lakes of the great Northwest to consider these questions, we ought to throw behind us everything except our desire to talk about what is for your good. This is perhaps the most important hour of your existence. The President sent us here because he believed we were your friends, and would not only strive to explain everything and do justice to you, but he believed also that we would not permit you to do an unwise thing. You have wealth here, but it is fleeing from you. All along the track we came lies the blackened pine, falling to the ground, groaning out its dissent that it should be thus destroyed. From this burnt district the moose and the deer flee for safety. Each year these great fires are driving your game away farther and farther, and each year there is less for them to subsist upon. If the moose and the deer and the other game is destroyed by fire, what are you to live upon? Only the lake with its fish is left for you. Unless something is done for you now, five years hence this vast body of timber will be destroyed. The moose and the deer will be gone from you, and you will eke out a miserable existence.

You occupy to-day a position in which you are to choose whether you go down or whether you rise to a better life. You must not forget that the President acts toward you with all the light that civilization has given him. He knows that in order to become self-supporting, to till the ground and raise such things as you need as civilized people, you must be assisted and guided, and he is willing to assist and guide you to prosperity. But if you reject his kind offers, if you cast in his face the propositions he sends to you for your good, what can you expect from him? I am exceedingly sorry, as a member of this commission which is sent to you by the President, that you do not consider them more favorably. I think I have a right to say to you that it is believed that this commission is the last one the President will think best to send to you. Without annuities, with your game destroyed by the burning of the forests,

with your pine timber blackened and burnt until it falls to the earth, what are you to do? The President of the United States feels the utmost kindness and love for this people, and wishes to do everything in his power for their improvement. He leaves you free to your own choice. Will you go backward, or will you go forward and see, in the future, your children happy and prosperous, able to care for you in your old age, and with horses and cattle and wagons and mills—everything that civilization will bring to you? So, with only blackness and sorrow and distress on the one hand, you may on the other hand go upward and onward in the bright sunlight of future prosperity. I have done.

Bishop MARTY. I am afraid that you are injuring yourselves. Last winter you had nothing to live upon. If the missionary had not given you work by having you cut logs for school buildings, a good many of you would have starved. We now have these logs cut, and we were going to put up other buildings this summer, but we were under the supposition that you were willing to help yourselves and go ahead. If, however, you do not want to listen to us and do not wish to take advice, but want to remain as you are, there will be no use in putting up any buildings for you, or for your children. These men may be proud and self-willed and think that they can do what they please, but I wish they would remember their women and children who will, in consequence, be suffering. The man who just gave us that answer from you called upon the Master of Life both at the beginning and at the end of his speech, but you call upon the Master of Life only when you do what is right. If you should kill yourselves and your children the Master of Life will not receive you in the heavens.

Now, every one is to speak and to act for himself, and every one is responsible to God for what he does.

GAY-BAY-GAW-BOW (addressing the Indians). Men of Red Lake: You have heard the commissioners speak; you have listened attentively to it; I am very glad that you have listened attentively. They are words of great weight, but although they are words of weight, and although we must respect them as we respect our Great Father, we do not believe it is to our interest to comply with their request. We call upon the Master of Life to see the righteousness of our intentions, and God will help us, because we are in the right. Our wishes should be consulted before we are compelled to sign without a voice in the matter. We have made up our minds, and I hope none will be so weak as to retract his words.

NE-GAUN-AH-QUOD. I wish to make a reply in reference to the burning of the pine for your information; it is not the Indians who set fire to the pines that are burning, it is the whites. There are so many of them going about the country unknown to us. It is not to be laid to the Indians, and our Great Father ought not to allow any of his white children to come on the reservation here and set fire to the pines.

If an Indian had been guilty of going to a white man's country and causing so much ruin and havoc the Indian would have been punished, but we never count it. We are a peaceable tribe and never allow such a thing to excite us, although we feel that it is wrong. When some of our young men have occasion to visit the white settlements, as soon as they get there they are received with blows. We never did anything in revenge. We take it very patiently. We can not go off this reservation without a pass from the agent or overseer; why can not the rule be applied both ways? When a white man wants to go on to the reservation, why should he not get a pass from the Great Fathers? It is impossible for me to leave the reservation; I can not go about and have not liberty to do so.

MAY-DWAY-GON-ON-IND. When I went down to St. Paul lately, in passing Mrs. Warren's place, there was a fire raging to the west of the road. The woman told me that there was not an Indian in the country; that the fire had been set by settlers. We never set fire to our pine.

WAY-ME-TE-GO-ZHEENCE. We are blamed for anything that is destroyed, on what we consider our own, this reservation. We are never the cause of the destruction of any pine on this reservation. We are surrounded by whites; they keep thieving from us and setting fires. We are not to blame for the destruction of any property on the reservation. I go around the reservation here very often. I can not see anybody that belongs to these bands who is the cause of the destruction of the pine by fire, and I know very well that they have nothing to do with the getting out of logs; that is, the lumber camps, and we can control neither the men nor the fires. I refer to this log cutting in only one sense—I think where the log cutting happens the Indians are under the impression that they still own the land—that the men are cutting on this reservation. That is what we believe. We speak this fact knowingly; we do not guess; we do not conjecture this thing; we know they are cutting this side of the line. Good-heartedness and good feeling toward the whites compel us to bear all these things in patience.

Mr. RICE. Are there any others to speak? [Receiving no response, he continued:] I was never more surprised in my life. We expected when we came here with the words of the President, and explained them to you fully, also telling you that if there was anything which you did not understand we would explain it again; you have not made a reply to a single proposition that has been made to you. You evidently have not considered the propositions. If you have, you have trifled with them; you have trifled with us. All that you have told us is to take back the words of the President and throw them in his face; I can assure you that we will do it, and you must take the consequences.

Bishop MARTY. My friends, I can not believe in my heart that all those who are present wish to offend us or the President, and therefore we want those who are of the better mind to come forward and to speak. Until this time only those have spoken who do not want to hear any reason, but there must be some who are more reasonable. They need not be afraid to speak out; we will stand by them, and the President will stand by them. Every one who is over 18 years of age has the same right, and his voice is as important as any other, and therefore we expect the young men who have a future before them to make use of this opportunity and to come out and speak like men.

The matter we have laid before you is very simple.

The first thing—now I want you all to pay attention—the first thing is that you are to choose for yourselves the best lands you can avail yourselves of, and you are not obliged to go on those lands at once; you can remain where you are, and those lands will be written down for you under your name, and they will belong to you and to your children forever. When a white man takes land he is obliged to go on it and cultivate the land himself; otherwise he can not have it. But the Indian has only to choose the land, and if he does so he will have it whether he cultivates it or not. So this is the first thing. You take for yourselves the land that you need.

The second thing is, that the rest of the land which is now being used up, stolen from you, or burnt off will be taken hold of by the Great Father for his children. He will sell your pine at the highest price he can get for it, and he will hold that money for fifty years and pay you the interest yearly. At the end of that time he will divide that principal sum among you and your children. The Great Father would be willing to give you that money at once if you could only make good use of it, but he hopes that after fifty years your children will be able to receive the money and do well with it.

Now let any one of you tell me if there is anything wrong with those two points, in either the first or the second. Can you make use of your lands? Have you any way of selling your pine lands to advantage? I ask the old chief if he has any way of selling these pines to advantage?

AH-NUH-NE-AY-GE-SHIG. My friends, the Indians of Red Lake, have a very good reputation; they are called very good men. We never intend to lay any obstacles in the way of our Great Father, from whom we have received annuities for fifteen years. My friends, I sit right here; I can see my property going to waste; they are stealing from me on every side; I never received a cent for it. I do not wish to make you feel badly or feel sorry for the failure of your mission; what hurts you hurts us also. I utter these words. I am not delegated to utter them; our young men are our counselors; I am not allowed to speak. The same position which you hold here as commissioners our young men hold in our behalf; they are our counselors. I shake hands with you with a very friendly feeling, but I shake hands with you for the last time on this occasion. The old man was selected to make the last talk for us here.

Bishop MARTY. Everyone is to speak for himself; we have to get the signature of every Indian. We want to know as to each one, whether he is reasonable or not, and those who give a reasonable answer will be helped by the President, and those who are not reasonable need not expect any help hereafter. The Great Father does not want one Indian to speak for another any more. Every Indian must speak for himself; and if he speaks right he will be rewarded and if he speaks wrong he will be punished. I want everyone to give an answer for himself.

PUS-SE-NOUS. My friends, the act that was passed by the whites, without our consultation, has been thoroughly digested by our people; we have given you an answer.

Bishop MARTY. Now, this is wrong; the very first thing that you say is wrong. There was a commission here three years ago, and you gave your consent to that commission; is that so, or is it not so?

(Pus-se-nous assents.)

Bishop MARTY. You were asked three years ago if you gave your consent. Now, we bring the reply of the Great Father to your answer, and we bring the reply to each one of you individually.

PUS-SE-NOUS. I understand, and we are delegated to say, that this is the wish of all the bands.

Bishop MARTY. What is the wish?

PUS-SE-NOUS. There are none here who are owned by anyone; each one owns himself and is master of his own ideas. We own the land in common; when a visit is made by us to the Great Father we will tell him what land we will cede.

Bishop MARTY. The chiefs have no right to speak in the name of the others; all these Indians want to go to Washington. Now, the Great Father wants all these Indians to speak and to sign their names, or to withold their names. It is impossible that you should all go to Washington, and therefore the Great Father has sent us here to ask each and every one of you what you will do. If two-thirds of you say "yes," then it shall be done. Now, you must certainly think this matter over once more. It is too important for you and your children to end it in this way, therefore we will give you time once more to talk among yourselves, and to-morrow, at noon, you will meet us again, and that will be the final answer, but if anyone wants to ask anything now he can do so.

WAY-ME-TE-GO-ZHEENCE. There is one thing that we can not get over; we want you to understand that it is not the Indians who set the fire in the pines.

Bishop MARTY. The Indians do not do it, but they are the ones who suffer from it, and the Great Father wants to help you to sell the pine before it is all gone.

MAY-DWAY-GON-ON-IND (first asking and obtaining of the Indians present permission to address the commission). I generally express myself very freely. It is generally my wish to talk loud so everybody can hear; it is not anger that makes me talk loud. You know that we have been at peace all the time; we never do anything to wrong each other. We have fought with the Sioux, and so have you fought with the Sioux. Was it the Bishop who asked the question just now?

(The interpreter tells him that it was.)

MAY-DWAY-GON-ON-IND (continuing). I have said nothing in these councils; I have been a listener; I have heard all that they said in deliberating over this matter, and it has met my approval. If you wish my ideas on this matter I will tell you just what they are. I said that I was opposed to having the allotments made to us; I do not look with favor on the allotment plan.

Bishop MARTY. Let me answer that they do not have to go on the land now; the lands are not now surveyed. We are only to reserve so much land for you, so that when your children grow up there will be plenty for all of you. I am glad that you have spoken now, because I see that you do not understand the treaty at all.

MAY-DWAY-GON-ON-IND. I say to those who are now in here, I will express my own views on this matter. I will never consent to the allotment plan. I wish to lay out a reservation here, where we can remain with our bands forever. I mean to stand fast to this my decision, whenever the Government feels inclined to pay for the lands.

Bishop MARTY. That it what the Government wants. You are to have as much land as you can use, you and your children. We three men here have been sent for that purpose, and only what you don't want is then to be sold to your advantage. I see now that you think just what we think, that we think the same way, and until now we did not know it because you did not talk. We talked all the time. As soon as we begin to talk, we see that we understand each other very well. You may be sure that I did not come to take any land away from you. I want you to have plenty of it and your children after you, and instead of losing all your pine I want you to make good use of it. Are you not in need of money? Is there any Indian here who will refuse when money is offered him? [The Indians laugh.] I think it is much better to change your pine into money than to have it burned up. You must reserve plenty of that pine, so as to have building material for yourselves and your children hereafter; but that pine which you and your children can not make any use of you want to change into money and put in your pockets.

MAY-DWAY-GON-ON-IND. I forgot to state to you that in all business transactions among the whites the gray-headed men are never ignored; that business of the greatest importance is not left to a rabble of young men; when it comes to business of importance like this young men are not to be selected.

Bishop MARTY. Then why did you not talk earlier in the conference? You may be dead next year, and these young men will suffer afterwards. Now let any one of you talk and we will listen. As soon as we talk together it can be seen that we are of the same mind.

AH-SUH-NE-AY-GE-SHIG. My friends, we understand all your meanings; we are not foolish; we understand the whole thing. We wish to bring out another objection; the money that you wish to have as a fund, which will originate the interest, whatever belongs to the Red Lake Indians, we do not want consolidated with the money of any other band. It is on the same principle that you have property; you get the

worth of your property; you are not going to share with a neighbor what you get for your own property. That is the way we want to do with this. We are very much obliged to you for waking us up, so that you find our objections. At the present time the feeling is, that it is the best to adjourn, and under this understanding, the minds are made up—maybe the minds of the people will change after this explanation, and I move that we adjourn.

Mr. RICE. I am much pleased with what has been said during the last few minutes. You are now coming to the point. We want you to state your objections in detail, so that we can put them down and lay them before the President. It is due to the President and the Great Council that you should make known your objections, so it can be seen what they are. When you speak to a man and he turns his back upon you, you do not know what to make of it, but when he makes a respectful reply, you can not be displeased although you may be disappointed. So out of our regard for you and our respect for the President, we wish to take back a respectful answer to his words. It seems to me that you have now begun aright, so if you come to the conclusion to send back an answer in detail, we will very gladly take it. We have been here but a short time, and it may be that we misunderstand each other, but we hope that when we part we will separate as friends. If it is your pleasure now to adjourn, we will do so. If you wish to sleep over this and wish to meet us again, it will be our pleasure to see you.

Bishop MARTY. If you wish we will meet you to-morrow at the same hour that we met you to-day.

Mr. RICE. We forgot that to-morrow is the Fourth of July, perhaps you would not want to meet.

MAY-DWAY-GON-ON-IND. My friends (you will not forget that we use that appellation in sincerity), as there is no amusement whatever to-morrow we might as well meet. You blame us for not keeping our engagements, but none of us have watches and we could not tell the time if we had.

Mr. RICE. In the meantime, if our great hunter gets any game, we will ask our interpreter to inform you.

Commissioner WHITING. To-morrow is the great day of the white man, when he goes out with his wife and children, and they renew their love for each other and their country. We hope that you will be as happy to-morrow as the white man is.

NAY-YAY-TAH-WUB. Will the hunter hunt to-day?

Mr. RICE. Yes.

Council then adjourned to July 4, 1889.

FOURTH COUNCIL AT RED LAKE.

JULY 4, 1889.

The council was called to order by the chairman at 2.30 p. m., after which prayer was offered by Bishop Marty:

Mr. RICE. We expect to-day to hear your objections to the propositions made to you by the Government. After hearing you it may be possible that to a certain extent we can make them plainer; therefore let us proceed, in an orderly manner, with the sole view of seeking the right. I know that your chiefs, your old and young men, wish for the best, and we do also; so, after all, we are united, and in giving our time and attention to the accomplishment of the object for which we are here we trust we shall come to a favorable conclusion.

MAY DWAY GON ON IND (after addressing the Indians). Last summer and the summer before that, that the man we call the "Ground Squirrel" [meaning Mr. Nelson] was antagonizing the people of this reservation. We can not conjecture what his motives may be in antagonizing innocent people that had nothing to do with him. That is one of our objections; we don't feel pleased to see a man like Mr. Nelson antagonize any of our interests. Another objection that we have to the act is the allotment part: that allotments should be made to us in severalty. We wish that any land that we possess should be not only for our own benefit, but for our posterity, our grandchildren hereafter. And then another objection that we have to the act is the consolidation of our interests, the interests of the Red Lake Indians. We think that we should own in common everything that pertains to us; with those that are suffering in poverty, just the same as we are; that is a serious objection. We have heard from you the explanation of how the money was to be expended; we have not a clear insight into it. This is all I have to say at present.

Mr. RICE. In regard to the act to which you refer, I will try to explain why this misunderstanding has arisen. That bill was introduced two years ago into Congress. That bill was amended in the committee and was reported and examined. It went to the Senate and was by it referred to the Committee on Indian Affairs; Mr. Dawes,

of whom you have heard and who visited White Earth two years ago, was chairman. The Senate amended the bill; it went back with those amendments to the House; the House refused to accede to some of them; the House returned it to the Senate and asked for a conference committee, and an agreement was arrived at by the joint committee, after which the House and the Senate also agreed. The bill then went to the President, and he, in connection with his Cabinet, examined it; they examined it in every part, concluded that every interest you had was properly guarded, and the President approved it. I mention this that you may see the great time taken to consider this bill, and the great care with which it was perfected.

Now, if the Great Council of the Nation and the President would consume so much time in considering what was best for you, we think that you can devote a little time, also, in investigating what they did.

In regard to the consolidation, I shall speak from a business point of view. Your reservation, it is true, is much larger than any of the others. The reservations of the Leech Lake, Winnebagoshish, and Cass Lake Indians are known to you, and you know well how they are situated. There is another reservation that goes nearly around theirs, which belongs to the Chippewas of the Mississippi. Many of your people have visited these reservations. I have done so. The lumbermen have visited them often. There are very large and valuable tracts of pine land upon them; they are situated upon navigable streams near markets to which the logs can be very easily sent to be manufactured. The opinion of many white people who are interested in the lumber business is that they are the most valuable reservations to them all. They have already been partially surveyed. If these negotiations are successful all that need be done on those reservations is to have the survey completed, an examination made, and they can soon be put into the market; from the proceeds will come the first money that you will receive. So you see that it is not always the largest piece of land which is worth the most money.

The Fond du Lac reservation I was familiar with many years ago; it contains a hundred thousand acres. It is upon the St. Louis River, as you all know; the Northern Pacific Railroad runs through it; another road is being built from Duluth to Knife Portage; it is adjacent to that great city, and consequently much more valuable than a reservation that is far away. There were valuable tracts of pine upon it, although I understand some of it has been cut; how much I do not know.

The Grand Portage Reservation, lying upon the Great Lake, I visited two years ago. I do not think much of its value, unless it contains minerals.

The Bois Forte Reservation contains a hundred thousand acres. That I never saw, but I know that it lies near the great iron range, and that if it has iron upon it it may be valuable.

The Mille Lac Reservation has large and valuable tracts of pine upon it, but I do not wish to say anything about that, for there is a controversy; as to its termination we have no knowledge. It is my opinion, however, and the opinion of my associates here, besides that of a good many other men who are familiar with these reservations, that by this consolidation you will be benefited. Now, as to the allotments. In your treaty three years ago you said you did not want to have allotments, you wished for the present to be together. At White Earth they have taken allotments, one here and one there, scattered over the reservation. Under this act the Pillagers, the White Oak Point, and the Mille Lac Indians are allowed to do the same.

Now I want you to bear in mind that some of these reservations have been surveyed, so there is nothing to be deducted from what is due you to pay for these surveys. Your reservation has not been surveyed; consequently it would be impossible to make the individual allotments that will be made to others; so that if we progress so far and are able to agree, although the authority is given us, we do not ask you to sign the paper until we have your full and free consent to the reservation that will be marked out to you. All that is desired by the Government is that you will agree to what is best for yourselves. I have now given to the best of my ability the explanations required by your chief. We are ready to answer any other questions that you may ask.

Bishop MARTY. I wish to say, in the first place, that neither of the two gentlemen with me or myself are the kind of men to be used as an instrument by Mr. Nelson. Senator Rice has been your friend for forty years. He is thinking of the time when he will go before the Judge of all men to give an account of what he has done. It is only six weeks since I have had the honor and the pleasure of knowing Mr. Rice, but from the first moment we met we became very good friends. He found that I was a friend of the Indians, and I found that he was a friend of the Indians. When, four weeks later, we became acquainted with this gentleman [indicating Commissioner Whiting], we found that he was also a strong and fast friend of the Indian.

We three have been appointed by the Great Father, who is not now in office, but you were told three years ago that he was a great friend of the Indians, and that is why we were appointed, and we are known as the Indian's friends through the whole country. The new President, who might have set us aside when he came into office, confirmed us in office instead, because he, too, is a friend of yours. If an act of Congress had been draughted by an enemy of the Indian and had been intended for your ruin, we would rather die than bring it to you, but because we are convinced that if this act is carried out properly it will be for your benefit in every way we recommend it to you.

We have been together for weeks now and have examined one point after another, and we want each of you, young men and old men, to understand it as well as we do. It seems to me that the objections have been answered. If there is anything else it may be brought up.

In regard to putting the money all together, I should be very sorry to have it get out among the whites that the Chippewas do not want to help one another. There was a time when you thought the Sioux were not a very good people, but I must say to their credit that they help one another. They hold their lands in common, and I was told that the poor people are generally more ready to help one another than the rich people. The old chief said that the Chippewas were all poor, and, if so, they ought all to help each other; if they are against each other they will always be poor. We are all children of one Father, who is in heaven, and He wants his children to love one another and help one another, and if we do so He will bless and give us plenty; if we quarrel He will leave us poor and let us starve and die. I want everyone to think of this and then do what is pleasing to the Father who is in heaven.

NAH-GAUN-E-GWON-ABE. My friends, I have a few words to say in reply. It is very true that it is our duty to love each other—our own race and tribe—but we do not hate each other; we love each other. It is for our own interest that we are opposed to the consolidation of the fund. Should I be guilty of any wrong I do not want anything taken from another's share to pay for what I have done. Those on the other reservations have no interests on this reservation. The people you see here are the only ones who have an interest in this reservation.

We don't want to be considered as willing to steal from those who have smaller reservations; we do not want any other Indians to think that we are pilfering from the value of their reservations. Whether it is large or whether it is small the value of this reservation is only for these people here. If they are foolish to sell it away for nothing it is their misfortune, but we want anything that accrues from our sales for the benefit of ourselves.

For four years past we have heard, year after year, that the "Ground Squirrel" was using a weapon against us; we have been living in fear all this time, we are still living in fear; that is the reason that we do not come out and answer the questions that you propound to us. We have listened with great patience to the speeches of the other Indians; we have not said a word—my brother and myself, Moose Dung—and I concluded to express the feeling of these people as we understand it.

Bishop MARTY. We do not say that the other Indians have a right on this reservation, which is yours alone. Now, this reservation being yours, you must do with it as your advantage dictates, and for the advantage of the whole Chippewa Nation. I am a messenger of the Great Spirit, and I will say here what I would say anywhere: If one man has a little more than another he is bound to help his neighbor. If you have a little more and help your neighbors with it, God will bless you for it. Neither you nor your children will lose anything by it. I have been following that rule now for over fifty years, and I am very well off. I have not been wanting for a single thing all my life. That is the first lesson of Christianity, and I understand that a good many of you are Christians. Each one of you has to consider what he will do for his neighbor. Now, I will ask Leading Father whether he has anything to say against what I have said. If he has, he is welcome to say it, and I am glad to hear it; or if the one who made the same objection yesterday wants to say anything let him do so. The old chief is a minister, I believe, and has a church in his village. Is not that the doctrine which he preaches there?

I say to the Chippewas what I said to the Sioux fourteen years ago, "if you are good Christians you will become rich, and if you are not you will become poorer and poorer, and at last starve and die off."

NE-GAUN-AH-QUOD. My friends, I shall tell you the circumstances that surround me here. I am a scholar; I get my knowledge from the Master of Life; that is where I get my lessons, and I am very happy to hear your remarks. When I pray I pray that I may reach that life that I am taught we shall go to if we live well. I also encourage learning and school-teaching. That is the reason that I would not make

any remarks derogatory of what you have said, on account of those who are ignorant and do not know what all this means. You will see in your travels more ignorance; I do not wish to lead you into a wrong track. Do you expect to succeed with those ignorant and foolish people?

Bishop MARTY. We may succeed with some and with others not.

NE-GAUN-AH-QUOD. I refer to the Pillagers. I have been there twice since the snow left the ground. I know their feelings. The Pillagers are a very foolish tribe; they feel brave. We are talking over the matter that we may show you our position. I am talking, I think, as a Christian man, and you [indicating Bishop Marty] are talking as a Christian bishop. You will go and talk this way to the Pillagers, and they will laugh at me for saying that I like to hear such talk. Your talk is pleasant to me, because it indicates the principles I follow; but I don't like to meet the Pillagers and have them say that I have heard a man talk what was not sensible.

Bishop MARTY. You should set a good example to the other Indians, and that is why we came here first. We knew these Indians were honest and upright; Mr. Rice said so yesterday. I want every one to speak his mind just as this man has done.

NE-GAUN-AH-QUOD. By observation over there among the Pillagers you will find that I have spoken the truth; I know what they will do.

Bishop MARTY. It is our duty to talk with them all and try to make them do what is right. The Sioux were pretty wild when I first went among them, but now they listen to me like children to their father. You must bear in mind that there is no time to lose; that every day you are getting poorer. There is now only half as much planted on this reservation as there was last year, and even if you should get a good crop you will not have next winter more than you had last winter. There is the money in the Treasury of the United States under this act, to be spent for your benefit. If you need help you can get it from this, but if you don't sign this agreement there is no help for you. For this reason, I told you yesterday to think of your women and children.

PUS-SE-NAUS. I want to ask a question on my own responsibility. My friend, you see I am still in my natural state; I have not taken up religion yet, as it is shown by my blanket; do you think that what you preach about the Great Spirit will last forever?

Bishop MARTY. It will.

PUS-SE-NAUS. That is all that I ask.

Bishop MARTY. We do not expect the old men to take up land and become farmers; they must have help; they can not help themselves. They would like to work, but can not. But the young men must go to work, take up land as the whites do, and year after year make it larger. But they can not do so if they have no live stock or farming implements; when they get such things they can help themselves. This plan will give them a start.

AH-NUH-NE-AY-GE-SHIG. There was no answer made to what I asked yesterday.

Bishop MARTY. You said you would adjourn, so you got no answer.

AH-NUH-NE-AY-GE-SHIG. A piece of land that we had reserved has been sold off the reservation; that also is an obstacle in the way of the arrangement. We think we should get pay for it. Was the Great Father asked to sell that piece of land? It was never asked for; they simply took possession. The great difficulty arises from lumbermen, from the place near where our old friend comes from, cutting inside of our reservation. We know it and have never received any pay for it. Whenever any of our young men are guilty of a theft, even on this reservation, I blush for shame. Could you inform our Great Father about these logging operations if he does not know it? You of course are not to blame for any trespass. The people will be much pleased if you will tell our Great Father.

Bishop MARTY. We will tell him.

NAH-GAUN-E-GWON-ABE. There are two persons here who were at the making of the Red Lake treaty. Mr. Rice knows about the cession, and this interpreter was interpreter then. Poverty prevented our representing this matter to the Great Father. We should have given information about the depredations committed on our lands long ago. From the time they began to pay annuities to us, it has dwindled down to a less sum year by year; the last annuity was very much smaller than the first one. We consider that the Government did not keep its agreement, according to our understanding. There is lots of money yet due the Red Lake Indians which they should have in their hands. We have not been paid a sufficient sum of money for the cutting of logs upon our land by the lumber camps, let alone the thefts and depredations that are committed along the line; we will never see a cent of that. I was the man selected by the bands to go around the line of the reservation, and you would be surprised to see the amount of depredation that has been committed. I was selected to and did show the line to the surveyors. The Indians define the line

of the cession, starting from the mouth of the Thief River, thence to Rice River; right then straight to Little Birch Lake. The Government surveys do not comply with that line; somebody has cut it off. Whose knife was used to slice off that piece of land?

To see if it was in compliance with our understanding of it when we ceded it, I went with the surveyors, and I wished to know how much they were stealing from us, according to our understanding of the treaty. The surveyor that I was with on the reservation boundaries told me not to get mad, when he was cutting a slice off all the time I was with him. "I am following this survey for a purpose; after awhile there will be a resurvey, and we will fix the boundary." That is what the surveyor told me. When we started that line by compass, he told me that the line was to run 2½ miles north of the road which crosses Rice River, 2 miles east of the White Earth road. That is what the surveyor told me. I followed my line. I was very much surprised where he crossed—on the road from Fosston. It was near the junction of the road to the White Earth and the road to Fosston. It is a fact that that land we considered belonged to the Red Lake Indians. I don't state that we claim this on account of the depredations which have been committed on the land.

GAY-BAY-GAH-BOW. I want to know if you would give a reply to what Leading Father has said.

Mr. RICE. What has been said by him has been taken down and will be sent to Washington for consideration; that is all we can say, because we know nothing as to the truth of the statements that have been made.

GAY-BAY-GAH-BOW. Can you spare time to explain, for the benefit of the new-comers here, how the money is to be paid? There are a good many Indians who have just come in and want to hear what has been said about it.

Mr. RICE. I will first state that should the Indians of any other band commit depredations, no money will be taken from your portion to pay for it. We have to take a census, to ascertain how much money is to come to each Indian. The money will be divided in Washington, and sent from there to the different bands; if any band has committed depredations, the damages will be deducted from its share; so you see, in that respect, you are not consolidated. There was a census taken two years ago of all the bands, and according to it (and it was very nearly correct as to the present number), you will receive out of the $90,000, already appropriated for that purpose, every man, woman and child, about $9 in money. When the sales of your land shall have yielded $2,000,000, that will add $100,000, which will about double the amount each individual will get in some way. What you do not receive in cash will be spent in your midst in making improvements, which will give work to your young men, so that the money will reach your pockets, and employment is what you require more than anything else. "An idle head is the devil's workshop."

In framing this act the theory was that you would need more money at the end of five years than you do now. The first year you can cultivate but a small piece of ground, and will consequently require less means. As the size of your fields increased you will want cattle, horses, and farming implements. The act, as you see, is arranged to meet your increasing wants. As to the amount which will be eventually received, none but the Great Spirit can tell. At the end of fifty years, whatever may be in the Treasury, and it will be an immense sum, will be divided among you.

The missionaries also are prepared to expend large sums here in making improvements, which will employ a great many people. You will remember that the bishop told you the other day that money would be expended by him for new buildings as soon as the matter of these negotiations was decided.

Bishop MARTY. And it is not your money which will be so spent, but that of the good people who have visited you.

MAY-DWAY-GON-ON-IND (after addressing a few words to the Indians). We must not be hasty in this matter. If we have taken up the time talking about the depredations committed, it is because we wish to bring them before you for consideration. If you do not find our objections well founded, if you do not find it worth while to consider that they have weight, we will leave it to you. Let us not close this in a hurry, and let us not act on it at the present time; we will deliberate upon it and come to a conclusion.

MIS-CO-GE-SHIG-WABE. The words of the chief have fallen with favor on my ears; I take this pipe, and make a comparison; we are called upon to deliberate upon something that is useful, not what is bad. That is all I have to say.

Mr. RICE. We are pleased with what has been said by you here to-day; yesterday we were under the impression that you were not seriously considering the grave matter laid before you. Now that you are manifesting a disposition to do so in earnest, we will give you time to deliberate. We shall expect to meet you here to-morrow morning at 9 o'clock. I am glad to say to you that our hunter succeeded in killing a moose yesterday, and it will be given to you to-night.

FIFTH COUNCIL AT RED LAKE.

JULY 5, 1889.

The council was opened with prayer by the bishop.

SHAW-WUN-AH-CUNIG-ISH-KUNG. My friends, I salute you all, and also the Indians. We wish to ask a question, although we have asked a great many, about our line running from Thief River directly south; Moose Dung knows it was established from Thief River to Rice River; and then went from there to Elk River; that is where the line was established. The line was extended from the headwaters of the Rice River, then to Elk River, and then to what we call Little Birch Lake, then to the headwaters of the Black River, and then from the head of the Black River, down that river to its junction with the Red Lake River; that is the boundary line that was established by Moose Dung.

Commissioner WHITING. When?

SHAW-WUN-AH-CUNIG-ISH-KUNG. During the time they were making the cession in 1863, at the crossing of the Red Lake River, and we repeated the words when we went down to Washington as a delegation; at that time we never found out that the line had been altered. There was a payment made there, near the junction of the Red Lake and Clearwater rivers, near the place called a grove, that extends into the prairie. There was only one trader allowed there, and he was a licensed trader. We traded there because it was the only place we were allowed to trade. We think that is the line according to the treaty made. Also, at the place where the lumbering operations are carried on on the Clearwater River, we think they are working inside the reservation, because we have failed to find out who ceded that section of country. When one desires to buy, the question is generally asked, "Who does this property belong to?" One man does not say to another, whether or not he owns the property, will you sell this? If they had tried to find the owner of that land, they would have found him here. We claim that that land is still ours. Our signatures do not appear on any paper as to the sale of those lands. We want to know who ceded those lands, and in what State they are.

When I went to Washington I went to see a big lumberman [the interpreter states that the speaker means Mr. T. B. Walker]; that man there [indicating] accompanied me; we asked him about the ownership of the soil where he was lumbering, and his reply was, that it had been bought from the President of the United States. We we were furnished $100 by Mr. Walker to make the trip to Washington.

My friends, when you get to Washington do not bring my name to notice. When the Indians, who can not keep anything secret, went to Washington they mentioned my name.

When we went there we brought this to the President's notice; he said he did not know that anybody was lumbering there. We told the President his name, and he said: "I did not know he was cutting any lumber there." The interpreter who was there then is here now. The President told me that that must be on the reservation.

Bishop MARTY. All these things are being taken down by the secretary, as was done yesterday, and will be forwarded to Washington. Our present business is different, and that is what we wish to talk about.

SHAW-WUN-AH-CUNIG-ISH-KUNG. Why does the President object to seeing us about this matter, this bargain that it is proposed to make? The person selling is generally called, and the bargain made with the most interested; that is what the white man does.

Bishop MARTY. There are about three hundred men here who would have to go to Washington, which would cost more than the lumber Mr. Walker cut. You have not money to throw away traveling to Washington.

SHAW-WUN-AH-CUNIG-ISH-KUNG. The Indian generally accepts the bargain offered. My friends, we do not want to make you feel sorry, but we find it is a serious matter to negotiate with Americans. There is $10,000 of a payment which is still due us out of a transaction with white men to whom we listened. The man next to the President—the Secretary of the Interior—I asked him about this money, and he said the money must have taken the right direction, that it must be in the possession of the Commissioner of Indian Affairs; we were told they would use that money shortly. The Secretary said if the Commissioner of Indian Affairs had used the money it would be replaced.

Although it is seldom I get money, when I do I take good care of it and make good use of it; but I will not talk any more, because you keep smiling.

Bishop MARTY. You went to Washington on that trip and yet you did not succeed.

SHAW-WUN-AH-CUNIG-ISH-KUNG. Some of those here saw the good results of my going there.

Bishop MARTY. There will be a good deal more distributed if you accept what the President now sends. It is easier for three men to come here than for three hundred men to go to Washington. All men who are eighteen years old, or over, have a

voice in this matter, and should speak. For three or four days we have only heard men, who, like ourselves, are old; it is time we heard the younger men; they have the same right, and greater interest in the matter; they will live longer; they should not lose time, but come forward and act.

Commissioner WHITING. I want to disabuse your mind of one idea, and that is that white men always see each other in transacting business; they send their trusted agents.

WAY-WAY. I salute you all. I stand here as the mouthpiece of the chiefs, like this other man. It is not essential that every man should have a voice in this council. It was announced that no man should antagonize the feelings that were to be promulgated in this council. Now, I want to ask a question: Were you sent by the Great Father to make this request of us? I wish you would not answer me until I finish my speech. Do you state the truth when you say to me that our Great Father sent you here?

We know how much land there is, and its condition; we know the size of the reservation; we know that the lumbermen are working inside of the line, and also farmers; there are many things which come inside the line of the reservation which can be compared to the works of the devil, and I am unable to estimate the amount of the damage done by these things. You see how tall I am. If I should stand in the midst of the money, of the value of the damages, what had been stolen from us, it would go over my head. That is why I can not come to a conclusion about the papers you present. I am now working to arrive at the amount taken from our reservation. If I wanted to sell my land, I would look at the pile of money, and see if it was an equivalent. When a white man wishes to buy, he makes specifications of everything; that is the reason that I don't want to accept your propositions. I love my reservation very much; I don't want to sell it, and am making estimates of the amount of the depredations committed. Will you help me in this work? It will then be the same as if I saw my Great Father. These are the reasons that I would not accept your propositions, even if you came three or four times. We wish you to show that you are in sympathy with us by trying to redress our wrongs, and helping us to find out the amount of depredations.

Mr. RICE. "There are none so blind as those who will not see; there are none so deaf as those who will not hear." If there are any here who wish to proceed to business, we are ready to meet them, but we have not come thus far to listen to words that have nothing to do with the mission upon which we are sent. You send a young man, when you pretend you want to know if we come with the authority of the President. There [holding it up] is the commission signed by the President of the United States. Do you believe that he sent us here to trifle with you, or that you will be permitted to trifle with us? We have been very patient with and are always ready to listen to you, but when you talk about matters having no relation to this business, I, for one, will not listen.

Now, we wish you to weigh your words well; we came here to serve you, but if you are not ready to listen, and will not send back a respectful answer to the President, all we have to do is to return and tell him that the Indians of Red Lake would not listen to his words.

In view of your having been ready to sell your lands three years ago, without ready money, and your now refusing it when offered, what can we think of you?

SHAW-WUN-AH-CUNIG-ISH-KUNG. We don't lay the blame on the Great Father; he did not know anything about this cutting of timber.

WAY-WAY. I shake hands with you all. This is the way it appears to the Red Lake Indian, he draws a line this way [indicating on the table with his hands]; inside of that line there is pine land. You say the President sent you; we understand that the President who is not now in office sent you. We wish to meet the commissioners of the new President. It would be well if the new President approved of your appointment; it would be stronger; it looks to us as though what the former President does is of no validity; that is all.

Mr. RICE. We know now and have known for some time that those who are not your friends have been putting these words into your ears. I do not know that we are doing justice to your present Great Father in saying anything on this subject. Here is a letter sent by his authority [holding it up], dated the last of May, sending the paper signed by the President who has just gone out. All these questions have been taken down to be sent to the Great Father, who will ask if he sent us to meet men or to meet those who expressed themselves like children. If he finds there are not enough wise men on your reservation to manage it and to meet his agents properly he will conclude that you are not capable of caring for yourselves; that he will have to do so for you, and treat you as children.

SHAW-WUN-AH-CUNIG-ISH-KUNG. My friends, I do not feel that I am guilty of anything bad, or that I have anything to be ashamed of; I do not see, from the past, any-

thing on the hands of the Red Lake Indians of which they need be ashamed—either my ancestors or myself. So I do not think we are like children. Our record is as white as bleached cotton. Toward the west you will find the Indians who acted like children and murdered the whites.

Mr. RICE. I said that your words were like those of children. I have been familiar with you for many years and know you well.

Commissioner WHITING. Friends, I fear you do not understand the situation. The distinguished gentleman at the head of this commission was selected to come to you because he was known all over this broad land as your friend. At this time, when he can well afford to sit at his home, surrounded by all the comforts that civilization can bring, he has, at the urgent request of the Great Father, consented to come to you. Are you not going to receive him properly? If you throw back to him the words of the Great Father, who do you think will approach you? No other man lives to-day who so well knows your wants, or who carries for you so big a heart. Are you going to reject him? Do not believe that he will again encounter the fatigues of this journey in your behalf. Consider well what you do.

Bishop MARTY. It is sad to find the Indians guided by their enemies instead of their friends. It is easy to lead them wrongly, and difficult to lead them right. For the whites and the Indians I have the heart of a father. It is my calling which made me all those days have patience with you, but I can well understand that a gentleman like Mr. Rice would not like it when two young men like these ask if we are commissioned to come here. But that impudence did not originate with them.

The old men here say they must be the leaders of this people, because they are old and have gray hairs; but the question is whether the young men will listen to these old men, most of whom have never been off this reservation and seen nothing of the world, or whether they will listen to the Great Father, who will tell them only what is for their good. Those who do not want to listen are free not to do so, but let them not insult those who have been sent to you. We will not keep them longer this evening, but to-morrow morning at 9 o'clock let those who wish to accept our propositions come here; the others may stay away. We will give them one more day.

SIXTH COUNCIL AT RED LAKE.

JULY 6, 1889.

This was the largest council held here up to this date, all interests on the reservation being represented.

The council was opened with prayer by Bishop Marty.

Mr. RICE. We are pleased to see so many here this morning, and hope that we have now a clearer perception of the important duties before us than we have heretofore had. Also, that not a word will be uttered to-day which can give offense to another.

The council is open and we are prepared to hear what you have to say.

MAY-DWAY-GON-ON-IND. My words will be few. The others will express their feelings, after which I will follow. It is good and wise that you should refer to the Master of Life. Mr. Rice, our friend, has a very great name all over the country. I heard of him when I was a comparatively young man; and these gentlemen with him are men of note, of whom we have before heard.

NAH-GAUN-E-GWON-ABE. My friends, I salute you. You have not yet heard me speak relative to your propositions. I trust that the Master of Life will instill into me the words it is proper I should utter. It is the habit of men to ponder well before they come to an agreement in a matter as essential to their welfare as this is. If a man is hungry he must rely on his gun and take good aim. It is wrong to act on the impulse of the moment; one has to ponder for himself to come to a right conclusion. We, as ignorant people, have crooked guns; even if we take sight over them we miss the mark. We are trying to straighten our guns, and under these circumstances we beg for patience.

I-EEN-GE-GWON-ABE. I am very happy that this meeting has taken place. It pleases the Master of Life that we should meet our Father. I hope we shall respect each other's feelings and come to an understanding. That is all.

MAYS-CO-CO-NO-YAY. I have not heretofore spoken, but have been a close listener. I look favorably on what you have said about each other's feelings, so nothing can arise to mar this discussion. That is all.

WAH-BAUN-E-QUAY-AWSH. My gun is certainly crooked, but I think with perseverance I can straighten it to-day. It is important that the respect due each other be strictly maintained. That is all.

AH-NUH-NE-AY-GE-SHIG. I salute the commission. This is an auspicious day, and looks favorably to our coming to an understanding. Let the chiefs talk; I shall follow the words of my chief.

MAY-DWAY-GON-ON-IND. Now, my friends, I am going to talk to you, after talking to the Indians [addressing them]. My friends, it is well to meet the commission understandingly. You can not be blamed, on account of your ignorance, for taking different positions. For my part, I am getting aged; I see that I shall be called upon by the Master of Life to deliver an account of myself. I can not sacrifice your interests on account of my feelings. At my age I must do as my fathers have done; I must look to my grandchildren and their children's grandchildren; I must look after the benefit of all. I shall be dead when you receive the benefits of this work. If it pleases the Master of Life that this should be a blessing to us, it will be because we follow the advice of those who are sent to us, and who say they are our special friends. I do not want to hide anything; I want to give a fair expression of my views. I want to reserve enough land here, if the commissioners will consent and the arrangement is concluded. If not, we must persevere and try to gain our point. It is to our interest to do so, as, if we make a mistake, it is for a lifetime. I will ask you to be patient. We are willing to make an arrangement, but we must be very careful and make no mistake. Speak respectfully to the commission. Let nothing mar our intercourse, I beg that of you.

[Addressing the commissioners]: My friends, I salute you and also our other friends sitting here. This property under discussion, called Red Lake, is my property. These persons whom you see before you are my children. They own this place the same as I own it. My friends, I ask that we reserve the whole of the lake as ours and our grandchildren hereafter.

It is our wish that there be no consolidation, but that whatever we get here we should alone get. That we should receive, solely, the profits of our reservation. We want an expression of your views again. We don't wish that your mission here should be a failure. We wish it to be a success. We wish to hear once more about receiving ourselves the proceeds of our own land.

Mr. RICE. I do not know that I can say anything more than has been said here before. We certainly have not come here to do injustice to the Indians. This commission believe that your rights are amply protected by the carrying out the provisions of this act.

It will cost a great deal of money to survey your reservation, the cost of which is to come out of the sales of the lands. We have it in history that you have not occupied this territory very long. This was not always your home; all the Chippewas came from the East. You were in the lead and conquered your enemies before you. You took the country, piece by piece, until you reached the Great Lakes, and then you continued your progress westward until you arrived at the Red River of the North. You were then consolidated. You owned your country in common. At the treaty made at Prairie du Chien in 1825, the councils then held, having in them representatives of every band from here to and beyond the Great Lakes; you then, as a consolidated people, marked out the boundary between yourselves and other tribes, commencing at the Chippewa River in Wisconsin, then northward and westerly to the Mississippi River, and thence to the mouth of the Goose River on the Red River of the North. You were then a consolidated people, as your old men here will remember. The fathers of those now here claimed at one time Leech Lake and all the surrounding region. It would take too long to explain to you how the divisions among you arose, but we know it all. Your Great Father and the Great Council in Washington took all these matters into consideration, and concluded that in this act they were doing justice to you not only as bands, but as individuals. They believed also that this arrangement would allay all jealousies among your people if you were all treated alike. Your old treaties were looked over. The treaty of 1863 was examined, and it was found that your annuities had expired.

This is the only proposition ever made to you which guarantees your security, definitely fixing what shall belong to you and your children, and when you retire at night you will know that your home can not be disturbed.

I am afraid you may not have understood this word "consolidation" in its true meaning. It does not give the Indians of other bands any right here; it does not give you any right upon their property. The money will be divided in Washington, according to the census, and then sent to the reservations. The only object the Government had in view was to do equal justice to all, and as time goes on and you see the working of the system under this act you will perceive the wisdom of your Great Father in sending it to you; you will all be pleased; you will all be satisfied.

You must consider carefully the subject of the reservation to be made, and we will then talk it over and see if we can agree. You sell nothing and part with nothing until that is settled. You must not, of course, expect to keep all your reservation; you can not keep your bread and eat it at the same time. You may think that you ought to have what we consider too much, and that what we consider is enough is

too small; so we must talk it over calmly, like men, until we can come to a conclusion that will not only satisfy your want, but will also satisfy the Government, who is instructed to be liberal with you, as we are inclined to be; but that territory which is now and always will be useless to you, you might as well part with and avoid a repetition of the difficulties between yourselves and the whites.

Two years ago Congress passed an act by which it was decided that you should all take allotments in severalty. It applies not only to this reservation, but to all in the United States. That act provides that after the President shall notify you, you shall select your land, 160 acres for the head of a family, 80 acres for a single person who is of age, and 40 acres for a minor. He does not issue that order to all the Indians at the same time, but so that it shall apply only to certain bands, and its issuance depends on their condition. After he issues the order, if you do not yourselves secure the allotments he appoints agents to make them, which you are compelled to accept whether you like them or not. You can readily see how much pleasanter it will be to take what you want than to have forced upon you what you do not wish. If you accept this act it does away with all the hardships which might overtake you under the act of which I have been speaking. All the elements in the question before you were well considered for years before the Great Council took action. As so much time has been consumed, I suggest that you give proper attention to this great question.

MIS-CO-GE-SHIG-WABE. We wish to strike the line from the junction of the Thief River and Red Lake River. We want also to understand about the allotments that are to be at one side of the lake. It is time we understood about the allotments to be made. We have (the young men) not said anything yet, but we have to know about that. We will soon arrive at a conclusion if we go to work.

MAY-DWAY-GON-ON-IND. My friends, let us remember there are too many interests to make it proper to jump at a conclusion. Let us not be hasty.

NAH-GAUN-E-GWON-ABE. My friends, you remember that I remarked that we were going to have all interests taken care of. We ask that you will adjourn for a little while so we may come to an understanding among ourselves, which we guarantee we will do.

Mr. RICE. We consent most cheerfully to the request made by your chief, and we hope that by 2 o'clock you will have settled this matter between yourselves. This is the most important point of all, and we do not wish to hurry you, but trust you will be prompt.

NAH-GAUN-E-GWON-ABE. We are deliberating with a good heart, but I am sorry to say that the man who is issuing rations is always changing. If you knew him better you would select another man to issue rations. We are hungry while we are deliberating.

Mr. RICE. As we all feel more cheerful to-day, we will hope that his heart has improved—is larger than heretofore; and if he don't do better we will follow your suggestion.

PUS-NE-NAUS (addressing the Indians). If there were many people coming together from different sections after the same thing; if one of them had a dish which was very sweet, which he called the others to taste, and each one as he tasted would say, "How good that is," it would be like our meeting the commissioners. We have all made a mistake, but now when we meet the commissioners we find the dish they have to offer us is very sweet, and we will like it.

SEVENTH COUNCIL AT RED LAKE (AFTERNOON SESSION), JULY 6, 1889.

The council was opened with prayer by Bishop Marty.

Mr. RICE. The council will please come to order.

It is proper that those who live at a distance should come forward first and represent their wishes regarding the reservation. We want them to mark out the piece that they want, and the number of families they have.

Interpreter BLAULIEU. Moose Dung has forty-two families in his band. The chief this side the lake has eighty-three families.

Mr. RICE. There are forty-two families which want land on Thief River.

I-EEN-GE-GWON-ABE. My selection is on Thief River. We wish to place before you an outline of what we, in our estimation, ought to have. We have arranged matters between ourselves and will submit the question to you.

MAY-DWAY-GON-ON-IND. My friends, I shall endeavor to talk to you now, although I am a little old, about the price of the pine which you said would not be sold for less than $3 per thousand feet. I don't like the price, about the amount that will be paid to each individual per capita—$9—why can't you make it $10? The boys have drawn the lines of what they think will be the proper reservation for them to retain.

They have made it include some pines, because they are thinking of their posterity—of their grandchildren, and of those who will live after them—their great grandchildren; we think they should be provided for.

It is our wish that the children may be educated so that they may take care of themselves; it is our sincere wish that our children, our grandchildren, and our great grandchildren should have the advantage of learning from books; that they should know how to read and write. Another thing, these men of prayers, and the other man of prayers—two different sects—they are the kind that we like here, the two denominations. We believe that that is the only way by which our children will rise from ignorance and poverty to prosperity, so they can live as the whites live.

My friends, when you addressed us the first time my eyes were very large, my ears were open very widely, I understood everything that you said from the time that you began. I made up my mind that you were men of no common character. I made up my mind that you were men who know how to pity the poor, and to be considerate in your dealings. I myself, who have been raised a pagan, and don't know anything about religion, still am a believer. I am afraid of Almighty God when I do anything. I am afraid I shall do wrong; I live in constant fear of Him. You certainly will not tell anything but the facts, because we are under the guidance of one Spirit, and certainly the law-makers who are near our Great Father, and our Great Father himself, certainly can not make up their minds to misrepresent things to us.

My friends, I accept all your propositions. You especially as chairman (looking towards Mr. Rice), I address you. I accept the propositions you have made me. My friends, you stand in the same light—the bishop and our other friend there—we know that you do not misrepresent what you say to us here.

We wish to guaranty to our posterity some security; that is why we demand the reservation we have outlined on that paper. It is not greediness that influences us. This tribe is growing year by year, and we think it is our duty to protect those who come after us. We know the character of our country here. There are only meadows in certain places; there are trees we would get our fuel from. All these things do not grow together, so the tract must be made larger so as to combine all the things we want. We want the reservation we now select to last ourselves and our children forever. I shall touch the pen with the understanding that all you have said to us is the truth; that you respect the truth and the words of our Great Father. And in the mean time we want you to remember the occasion that has made us stand here, pleading for the future.

My friends, you have come here as commissioners, vested with great powers. Accept the proposition about the reservation that I have made to you. It is a fair one, and you can not but see that what I demand of you is founded on right and justice. I beg of you to consider it well.

NAH-GAUN-E-GWON-ABE. My friends, you have heard the remarks made by your old friend, the old chief, and the course he wishes to pursue. It is left to me to state to the commissioners what we wish them to do. It is not a tract of land as large as was granted to us by the Northwest Commission. The width of the land shall be the road that you followed to come to this place. Here is the line. [Describing it to the commissioners alone.] We must look out for emergencies, for all those who are under age, for all those who may come and claim an interest without having been represented here at this council; otherwise, we will be at a loss in our allotment for grazing land. The time may come when we will be called upon to locate some of our people who may wish to cast their lot with us. We must think, not only of the Red Lake Indians, but also of others in this matter. There is not much of this country that we have outlined here that is good for much. You say there is some swamp, and it is true. Most of the land that we select is valuless to the whites and valueless to ourselves, but still we would like to keep it intact.

The members of the commission and the agent of the reservation then questioned the Indians at length as to the quantity of pine on the tract of land they desired to reserve from the cession.

AH-NUH-NE-AY-GE-SHIG. It is our wish that you should take this into consideration, and also bring before the Great Father the fact that we wish this tract of land. My friends, we hope that you will grant our request, which is the desire of all the Red Lake Indians. If you fix the boundaries as we have outlined, we are ready to sign. I am interpreting the wishes of the people here, and we make this appeal for them all.

I-EEN-GE-GWON-ABE. The Master of Life looks with favor on us all, and is looking over this work now being done. May there be harmony in our discussions. Sometimes when I stand up here I do so with a shameful countenance. I want to know what is the status of the Indians who live on the other side of the lake. I wish to be heard on this matter, and wish to make a road there. I wish to come within that reservation myself, and this piece includes all the different interests.

MAYS-CO-CO-SO-YAY. My friends, I shake hands with you all. The young men submitted that outline for our consideration. We are with the young men, and hope you will grant their request. The Red Lake Indians concede all to you—all the land that is worth anything, and that will bring any revenue; the rest we wish to retain for ourselves. This is the sincere wish of all the people, and we must guard their interests, which are confined within this tract of land. The reason we make this selection is that, although it is valueless to the whites, we get a great deal of game and other means of subsistence out of the swamp. I beg of you to let me appeal to your feelings in this matter. The young men want it for their children, who will also have children, and I hope you will grant this, as we concede all that is valuable of our reservation.

WAH-BAUN-E-QUAY-AWSH. I also salute you. I wish to bring to the notice of the commissioners one point we are at; in speaking for myself I utter the feelings of a great many others in the same situation. I have a child married to a Lake of the Woods Indian; that child wishes to come back here. The Lake of the Woods band have children here. The time may come when we will consider it the part of wisdom to reserve something for them.

At the present time, under present conditions, we can not bring our children here, and can not enroll them here, but they nevertheless have the same right that we have. Please pity our appeal. We know what will happen in the future, and that is why we appeal so strongly to your feelings. I do not wish to put a barrier against my children who are not here. Let there be a road open to those who have a right here, that they may come and visit us and have land. Please represent this in our favor.

PUS-SE-NAUS. My friends, I salute you. I wish to allude to what was said before the commissioners and the others came in.

It is seventeen years since this matter was agitated here. Those who are dead, of course, can not be present. I am the only one of that lot. The matter was discussed about the rights of the Indians hereafter—those who should be born and have a right here. It was for the purpose of protecting all the rights that that council was held seventeen years ago. The same thing that was under discussion then is under discussion now. We hope that the same feeling will inspire us when we think of the Master of Life, and that He will help you in your deliberations. The whole matter rests with you. May you be pleased to grant the requests of the chiefs and the requests of the young men to our chiefs.

Mr. RICE. We have heard your proposition, and we think we can perhaps change the lines so as to give you all you want, and very much more than you will have use for—you, your children, grand-children, and great-grand children—and still please the Great Father much better than by following accurately the line you suggest. You have made some mistakes in your lines; we think we can change them so it will be much better for you. I do not know that your Great Father would think you were very liberal in wishing to keep all the fish to yourselves.

Now, your object is to get as much money out of your reservation as you can. It seems to us that it will be advantageous to you to leave open the mouths of some of the streams that run through the pine land, as the lumbermen will not pay you as much for your pine if they do not have those outlets for it. When they commence running pine into the lake and making the rafts in order to ship it below there will be work for a large number of men. If they are compelled to work in the midst of your women and children some trouble will come which will be greatly to the detriment of the tribe. We propose, after talking among ourselves, to give you all the good land and as much of the bad as we can. We will consult a moment and see if we can change the line so it will be satisfactory to you.

The commissioners then consulted with each other and with the Indians individually about the lines of the proposed reservation.

Mr. RICE. The most important question has now been settled. The only doubt we have is as to whether the Government of the United States will approve of our yielding so much, but we will do the best we can. In order not to detain you and to hasten the work we will now give you an opportunity to sign the paper. We will to-night draw this just as we have agreed and submit to your principal men to see that it is all right. John English will please come forward to witness the signatures of the Indians who sign.

Henry Beaulieu then proceeded to take the signatures of the Indians, there not being a dissenting voice raised as to the signing of the instrument.

NAH-GUAN-E-GWON-ABE. There is a lot of timber that is down and that is valuable; it is going to decay. Is that going to be enumerated in the sale?

Mr. RICE. We are going to ask the Great Father to give you the proceeds of all that timber lying on the ground up to the time the examiners commence work.

NAH-GUAN-E-GWON-ABE. It is our sincere wish, after these papers are signed, that a statement of the progress of the collection, or accumulation, of the revenue from this

arrangement shall be furnished to us every six months. After the surveys have been made and the sales begin we wish to know every six months what the sales amount to.

My friends, we wish to make another request, which arises from suspicions we have had on account of the way we have been treated before, when suspicion was excited in many persons. We take so much pains in such matters, because of the many promises made to the Indians for their advancement which have never been fulfilled. Look back and see what the Indian has ceded, and without any revenue from it. He has ceded a vast number of acres; enough to raise a large number of American people upon. What have we to mark those cessions? See the cessions the Red Lake Indians have made. See the amount of land thus populated by the whites and the number of children born there—even on the comparatively little land we have ourselves ceded. Look now at the condition we are in. What do we get for all the cessions we have made? See the prosperity of those who have benefited by the cessions we have made. Look at the dilapidated condition of those people here. This shows why we have been so slow in coming to an agreement. It is to guard against all these things, so there can be no misunderstanding.

My friends, is it the truth—we don't dispute it, but is it the truth, all that you have said to us—will it transpire? We wish to hear it once more so that all can hear it. The white man is very strong; the Indian is very weak. The white man is high, while the Indian is very low. When an agreement is made the white man always knows how to construe it, but the Indian can not help himself. My friends, take my remarks as friendly. If the truth is promulgated these people will thank you very much, and we know it will be promulgated by men of truth and the friends of the Indian. I wish to have it again expressed as the last speech before the signatures are written.

We also want it understood that none of this money, the proceeds of this arrangement, is to go to pay old credits. I know that most of the people who owned those old credits have dwindled into dust; those still living may owe a little, and I don't say that they do not.

My friends, we have received many commissioners. When they utter their words it makes a pretty sound, and everybody is satisfied by it; you have uttered that sound, and we are bound to respect it because we know that you have done this for the benefit of the Indian.

Bishop MARTY. The chairman is tired of speaking and wants me to answer. From all we know of the Government of the United States we are sure that what is promised to you will be carried out. These arrangements do not go back to Congress to be, perhaps, by it thrown aside. You are the ones to say "yes," or "no," as Congress has already said "yes," to these negotiations. If it is to go back to Congress to be discussed, with the consequent uncertainty as to its standing, I would not have anything to do with it, nor probably would the other commissioners. Mr. Rice would not, and I know Colonel Whiting would not like to stand in that position before the Indians, to have promises made and then not carried out; but Congress has already put the money into the Treasury which is to be paid out to you.

But it is not enough for the Indian to have money in order to become well off; something else is needed; he must know how to make good use of money. Among the whites, many a man with little to start with becomes well off, while others having plenty of money, spend it all and die poor. There was a time when the whites were in the same condition as you are now—living in the woods and from the chase—but the messengers of God, of Christ, went among them and taught them to pray and to work, and by that their whole situation was changed. If you will look at the lands you once had you will see that the white man has altered the whole face of the country. The old men among you can not work any more, but the young men must go to work in earnest and learn how to farm and build houses. As the bird is made to fly so man is made to work, is written in the Good Book, and as they work they should pray to the good Father in Heaven to bless their work, to give them good seasons and make their crops grow.

So let them come up now, all those eighteen years of age or over, give their signatures.

Mr. RICE. I am called upon by the other commissioners to make another statement. Before I do so, however, I wish to say one word in reply to what Leading Father said about the pine. I wish you to understand that what was said about fallen timber is not in the treaty, but it seems to us that you should have the proceeds of such timber up to the time the appraisal is made; we put it into the paper, and will do what we can.

In regard to that and some other matters that you wish to be informed of, you must apply to your agent; he is posted in regard to your local matters. If at any time there is anything wrong, go to him and he will send it to Washington. He is one who served the country in the last war, has held many high positions since, and filled them to the satisfaction of the whites.

According to the arrangement we are making with you, you will receive the $90,000 already in the Treasury for distribution, giving every man, woman, and child among you about $9 apiece; this to be received by you every year. The sum I mentioned will be paid to you every year until the interest upon the sales of your lands shall amount to $150,000. In the mean time, as the sales take place, the interest upon the money will be paid you in addition to the $90,000. When the sales shall amount to $1,000,000 there will be $50,000 added to the $90,000 every year, which will amount to about $15 for each man, woman, and child; but this is not to be all paid in cash. As this goes on and the sales increase—of course we can not tell how much they will amount to—interest will be paid upon all the proceeds of the sales. There is a possibility of its running far beyond three millions, perhaps double that sum. The pine upon your brothers' land has already been estimated by the lumbermen, we are told, who estimate it at more than three millions. In regard to yours, we can only say that it has not been surveyed or examined, and so as to it we can not speak. But when it reaches five millions, the amount that you will each receive and which will be expended for your benefit, will be about $30. This will continue until the end of the fifty years.

Have you now asked all the questions you desire to? If so, we will proceed to business, and receive your signatures.

SHAW-WUN-AH-CUNIG-ISH-KUNG. There are some Indians not here, who are living outside of the reservation, on ceded lands, at the Lake of the Woods; they may be more or less. I do not know their numbers. What shall we do in that case? One was taken off and his improvements taken from him.

Mr. RICE. We know all about that. You have retained land enough in your reservation for more than you have here now. We have in that matter filled the measure twice full. All you have to do, if your brothers wish to come here and live upon the reservation, is to report it to the agent, who will do as you desire, if the person has a right here. We think when they see how well you are doing they will all come back. But those are questions which can be answered by the agent, as he understands the law of the land and the treaties as well as we do.

SHAW-WUN-AH-CUNIG-ISH-KUNG. This is a new departure as far as we are concerned. We never had an agent living among us. At this crisis this land will be surrounded by whites, and it is essential that we should have an agent living in our midst.

Mr. RICE. When that time comes we will all try to have one appointed who will live here, but we can not put it in the paper.

SHAW-WUN-AH-CUNIG-ISH-KUNG. I want to know if you will leave a copy of the arrangement here.

PUS-SE-NAUS. If you can put into that instrument that we don't wish any liquor introduced over the lines of the reservation we will be much obliged to you.

Agent B. P. SHULER. If you find a man with liquor on this reservation lock him up and I will attend to him.

SHAW-WUN-AH-CUNIG-ISH-KUNG. I will not be in the way of those who want to sign, and I want to sign when I see the name of the present president of your commission.

MAY-DWAY-GON-ON-IND. The Indian has at heart but the welfare of his children. There is no white man, either old or young, but who thinks of his children, trying to make a revenue for them, and to ease their misfortunes when they have any, and that is all we are after.

I would touch on the matter of the request that no liquor shall ever come on this reservation. It would be the ruin of all these persons that you see here should that misfortune come to them.

Bishop MARTY. We are glad that you mention the matter, and we hope that all these people will remember as long as they live the words of this venerable chief.

MAY-DWAY-GON-ON-IND. We wish hereafter to have a trader who has the means to live among us, that our people may not feel any want of opportunity when they desire to make purchases. Let there be a store here that can furnish what my people need; and we wish that no money should be deducted from what will be due these Indians here.

My friend (addressing Mr. Rice), I want you to sign this instrument before I do.

Mr. RICE. We can sign in our place, but we can not sign in the place of the Indian.

I-EEN-GE-GWON-ABE. I want to know if I have your permission to cut a road through from Rainy Lake—that is, may I bring my people down here?

Bishop MARTY. You may.

I-EEN-GE-GWON-ABE. I am in sympathy with and I accept the proposition, but I don't want to sign until after I see some of the benefits.

WAY-WAY. I am in favor of signing; I want to have my name put on, but I don't want to follow their example; I follow the example of the old chief. I do not say

anything in opposition here, because I have too much respect for my relatives. I have never received anything from the whites when there was anything given here.

The old chief, May-dway-gon-on-ind, signed the instrument soon after the close of this last speech as above, and was followed by other chiefs in order of rank, after which a large majority of the Indians present signed.

Mr. RICE. Before closing this, our last council, I wish to thank you for the patient attention you have given to the business which has called us together. You have done the most important act of your lives, and we hope and believe that you will not be disappointed in its good results to you and your people. If we meet again I trust we shall find you in a prospering condition, and now, bidding you a kindly good-bye, I declare this council closed.

FIRST COUNCIL AT WHITE EARTH.

JULY 17, 1889.

All councils held here were opened with prayer.

At the first council the commissioners were introduced by B. P. Shuler, Indian agent.

Mr. RICE. My friends, your agent has stated to you the object of our visit. I have known you many years, have attended many of your councils, and I look upon this as the most important of them all, believing that your action during the present negotiations will have a great influence on your welfare. Much has already been said upon the subject, and I beg that you will discard all that you have heretofore heard, giving strict attention to the propositions as now made, and asking explanations on all points on which you desire them. We will remain here as long as you wish, provided you confine your inquiries to this subject, and I specially request that no word be uttered that might offend another.

The instructions require that the act be read to you, after which the explanations required by any of you will be made. We do not expect that you will all look at the matter in the same light, but after hearing the explanations and consulting among yourselves, it may be that some of you will change your minds. Whatever is done must be done of your own free will. I will now ask Colonel Whiting to read the act.

Commissioner WHITING. Men of White Earth, in obedience to the request of our distinguished chairman, I invite your careful attention to this paper.

Commissioner Whiting then proceeded to read the act, it being interpreted phrase by phrase by the interpreter.

Mr. RICE. My friends, we thank you for listening so attentively to what has been read, and if agreeable to you will meet you here again at 3 o'clock to explain the act to you in connection with the treaty of 1867 and the allotment act of 1887.

The council was then adjourned until 3 o'clock, at which time it was called to order.

Mr. RICE. It has been customary for the Government to send commissioners to negotiate with you before Congress took definite action, but owing to the great delay in ratifying treaties and especially as that of three years ago was not acted upon, Congress sends for your consideration the propositions read this morning.

This measure originated in the lower branch of Congress, which sent it to a committee, which made amendments and corrections before returning it; when it did so, the House passed it and sent it to the Senate, which referred it to a committee, of which Mr. Dawes, of whom you know, is chairman; he reported it back to the Senate, from which the bill went to a committee of conference. The committee of conference reported upon the amendments and to its report the House agreed. The bill then went to the President, who laid it before his council, the members of which concurred.

I mention this procedure to show that the act is not the work of any one man, but that it was a long time pending, and received careful examination from both the President and Congress.

Now, we will go back to the treaty of 1867. This land was reserved under certain conditions, of which you are well aware, it being provided that you could have no land until you had complied with the conditions in regard to making improvements. Although twenty years have passed since that treaty was concluded, I am informed that a great many of you have not yet taken allotments. Under the present act, as soon as these negotiations shall have received the approval of the President, we are authorized to give to every man, woman, and child 160 acres of land as an allotment, and in case of the death of any person who has received such an allotment, the land passes to his or her legal representatives.

We can see how discouraging it must have been heretofore for anyone to secure

an allotment; death might intervene and the land and its improvements be lost; very few had the means, if the disposition, to put even 10 acres under cultivation.

The Dawes Act, passed by Congress two years ago, provides that "when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual."

The instructions of this commission say, speaking of the Dawes Act, from which I have just read to you, that its provisions are made applicable to the allotments of land made under the act which we are here to lay before you.

That portion of the act making provision for the sale of your lands seems to be well guarded. None of your pine timber can be sold for less than $3 per thousand feet, and if the examiners say it is worth more it can not be sold for less than the price they fix. It provides that all money received from the sale shall be placed in the Treasury and shall bear interest at 5 per cent, which shall be paid to you annually. Three-fourths of this interest is to be paid to you in money and one-fourth is to be devoted exclusively to the establishment of free schools. The amount of interest of course increases as the sales of your lands increase.

At the end of fifty years the principal is to be divided equally among those who shall be then living. To provide for the breaking of land, building of houses, purchasing of cattle and horses, and everything of that kind that you may need for your advancement, there is a clause providing that Congress may, in its discretion from time to time during the said fifty years, appropriate for the purpose of promoting civilization and self-support among the Indians a portion of said principal sum, not exceeding 5 per cent thereof. In case of the failure of crops or any unforeseen misfortune here is a storehouse of money to be drawn upon for your wants. Of this money you receive none until some of your lands shall have been sold, but in the meantime, that you shall not want, there is $90,000 advanced to you, to be paid yearly in advance, and three-fourths of it for the first five years may be expended in procuring seed, farming implements, etc. This is to be expended for the benefit of such as desire to engage in farming; but it does not come out of the general fund; it comes out of each one's share. The rest will be paid in money, and those who wish all money will receive it. The $90,000 annually is entirely apart from the other money, and will be received in addition to the interest upon whatever money may be in the Treasury every year until that amount shall reach $3,000,000, and enough besides to reimburse the Government for all expenses. What are termed agricultural lands are to be sold for $1.25 per acre.

JOHN H. BEAULIEU. I understand that these lands are to be divided pro rata, according to the number of acres? If we were figuring just for ourselves we could make a good thing, but there are 954 Mille Lac Indians. The mixed bloods will number almost the same. At White Oak Point you will see ten white-headed children to one full-blooded Indian. If they conclude to take their lands in severalty where they are they can only be allotted such lands. Draw the lines of the reservations and you will find that they conflict. I will try to explain to you by facts and figures that they can not be allotted 160 acres of land each, of agricultural land, according to that bill. I understand the act to say that the United States advances $90,000 as such interest until the fund reaches $3,000,000, and my construction of that is that Congress will keep on advancing that sum, and if our interest amounts to say $2,500, Congress will advance us enough to make up the $90,000.

THEODORE H. BEAULIEU. Am I to understand that the Indians in the State who have heretofore sold all their pine are to share in the common fund mentioned in section 7 of the act?

Mr. RICE. All receipts from the sales of lands will be put in the common fund.

THEODORE H. BEAULIEU. Most of those people have their allotments and have sold their pine lands; I do not see why you should grant them the privilege of becoming beneficiaries under this general fund.

Mr. RICE. This question was discussed at Red Lake, and they have twice as much land as all the rest of you put together. They thought it better to divide what they had than to wait until all their pine was destroyed. The pines are burning rapidly.

Your position is very different from that of those at Red Lake, and some of the older men here understand it thoroughly. Up to the time of the treaty of 1854, made at La Pointe, the Chippewas of Lake Superior and those of the Mississippi held the country in common. Had it not been for that treaty they would have had the same right here that you have. You then asked for a separation; who made it for you? There are quite a number here now who were present then, and who know who did it. In that division it turned out that an equal partition was not made. You not only got the cream, but you got the cow and the calf. You have received from the sales of your lands, sold by you since that time, more than they received then. If a mistake was made then, I am sure you are willing to rectify it now as far as you can.

SECOND COUNCIL AT WHITE EARTH.

JULY 18, 1889.

VOB-ON-AH-QUOD. It is a custom with me when any one of prominence comes here, ecially if he has been appointed by the Great Father, to take him by the hand as oken of respect, as I do now.

ast winter we heard from Washington the news that commissioners were appointed ome and see us, to read to us the act you have read to us here. The Government of United States has seen fit to open negotiations with its friends the Chippewas, and lways puts these things in writing; everything is put in writing, but we see that United States Government fails to put its promises into fulfillment. I and all the ippewas have great respect for their Great Father, but I have been waiting very iently day after day and year after year in order to enable our Great Father to fill his promises made to the Chippewas; we have been waiting and waiting and iting, but, through our respect for our Great Father, without becoming angry. e debt about which I have spoken was incurred when I was a young man; I am w old, and still it is not paid.

Matters went on so from year to year; the time arrived when a division was made the interests of the Chippewas of the Mississippi and the Chippewas of Lake perior. There were some stipulations in relation to that showing what proportion as to receive. My friend (addressing the chairman), you are the one, if I am not staken, who knows all about that treaty of 1854. It was distinctly understood at time, all those reservations were set apart for the Indians; that whenever anyng further in relation to the reservations was done, the Indians should have a full derstanding of it beforehand.

There have been dams established since that time, and still no settlement has been de. At the time it was proposed to build those dams a commission asked the conat of other Indians besides us, and we did not wish the dams built, nor did our ends, the Pillagers, but in spite of all the protests we could enter the dams were ilt; of course they wanted the water for the lower Mississippi, but they did it under r protest.

After the dams were built commissioners came to set the amount of damages, after e rice fields had been destroyed. They came here and stipulated a price, which was ected as insufficient for the damages done to us. When the last commission was re we wished to talk about these damages caused by the overflow and the amount property destroyed, but they would not talk to us about it; they said, "Wait, wait." e did not enter into any agreements here; they went to Leech Lake, where the bject was submitted to them, and they agreed upon a price for the damages caused the overflow. I was told that whenever anything was done by the Government ide the reservation that would yield a benefit or a revenue, we should receive the nefits of it.

Now another matter to show how the Government treats us. There was authority ven to cut some dead and fallen timber; a great deal of it was rotten; still the stumpe amounted to 50 cents per thousand. The fund made from that was placed in the nds of the Government. Then authority was granted to take trees blown down by clones and destroyed by fire; there was a dollar a thousand allowed on that kind of tting. Sometimes we are at a loss here to know which way to turn for money. We to the agent to see if that stumpage money can not be expended in our behalf. It unpleasant for us to say that we can hardly ever get it although it is ours.

We can not be blamed under these circumstances for the fear we entertain regardg any arrangement with the Government, because after the Government gets the oney in its hands, all we know is that it is there, and we can not help ourselves, as e Government will do as it pleases, and its debts to us are never paid according to reement. It is the wish of all the people of this reservation that these matters ould be laid before you.

JOSEPH CHARETTE. I have a few words to say, although I am not much of an orator. hen we heard last winter that this act had been passed, we said that we should esent the matters to you for consideration, as just enumerated by White Cloud, fore entering into any arrangement. We have great confidence in the lawmakers the United States; we are not disposed to say that they do not work in our intert; we think they do so, but we think they should try to make appropriations to uidate their past debts to us, when they know that we are so much in need of oney. It is about time that this matter should be settled; that this whole debt ould be paid, and that it should not be allowed to run year after year, when the overnment is is well informed as to our destitute condition. The United States res this debt apparently as an everlasting obligation, never to be liquidated. We ink we should come to an understanding about this old debt before entering upon y new and complicated arrangement.

We have heard that the Lake Superior Chippewas have several times been down to Washington, and so have the Mississippi Chippewas. We have had nothing to do with the Lake Superior Indians; the matter has never been submitted to us, so we can not speak intelligently about their matters.

It is our sincere wish, however, that in case the money due us can be appropriated it be paid to those entitled to it; those who are here, and not the new-comers from elsewhere.

BAY-KIN-OW-AUSH. My friends, we know that you will do what you can for us, having been our friends so long. I wish to say that when our payments were being made some time ago our payments were cut short, and some of the money was taken back to Washington.

Mr. RICE. You have brought up a difficult subject; it is as if you should ask us if there were birds in the forests. We would say "Yes;" but should you ask us how many there were we could not tell you. We can tell you that we know there is money in the Treasury belonging to you, but we can not tell you the day when you will receive it. I have had more anxiety upon this than you have, for it is thirty-five years since I wrote that article in the treaty to protect you against losses that had occurred. Before I left the Senate I had the amount ascertained, and it was then some $90,000; at the last investigation, some ten years ago, it was $118,000, and has of course increased since then.

Your Great Father has not repudiated the debt; he has acknowledged it and it stands to your credit there on the books. The money is there, and belongs to you. The Great Father has had reasons, perhaps, for not sending it to you that we do not know. He thinks there has been money enough sent here during the last twenty years to put a large portion of this reservation under cultivation and to place a great many head of cattle here. It was understood that the working clause in the treaty of 1867 was an impediment in the way of your young men making improvements.

The members of this commission have discussed this matter fully; we know that this money is due you, and we have resolved to do all within our power to see that it is sent. In the official papers which White Cloud has just handed to me he will see that I have worked as hard as any one individual to have this amount paid. My failure and that of the few friends I had to assist shows how weak we were, but the members of this commission have agreed to unite and see what can be done. Perhaps with our present associates we will be stronger in the future, but you well know that the United States and the States allow nothing to stand in the way of public improvements. The white man can not stop it, neither can you. The Government resolved from time to time that railroads should be built to the Pacific; there are now three running across the continent; no one can stop them. We must deal fairly by you, and in doing so must tell you plainly that we have no instructions whatever to do anything with you on the questions now raised; we were told to listen to all that you might say, take it down, and send it to Washington. This we will do, and after having done it will do all in our power to see that full justice is done. It is for you to decide whether you will let smaller obstacles stand in the way of the accomplishment of a much greater good. Knowing that you had many among you who could read and write, we had had 500 copies of the act printed and distributed among you and others in order that you might understand it fully.

WOB-ON-AH-QUOD. We have placed these papers before you to ascertain what is ours and how to obtain it. It is true there are a great many half-breeds who can read and interpret this act, and they have done so. We have come to no agreement about it, but we want an understanding about the old annuities.

JOSEPH CHARETTE. The lawmakers knew when they passed this bill that they owed us a large debt, and must have forgotten to empower you to deal with us about it. Delegations used to be allowed to go to Washington, but now the door is barred against us, and we can come to an understanding about these annuities only through you.

Mr. RICE. If they had given us authority to deal with you on that subject the treaty would have had to go back to Congress, which might have taken two or three years longer. The object of this act was that the matter might be closed immediately, so that no more pine should be lost, and that no interested parties should have an opportunity to break it.

As I told you yesterday, Congress commenced at the right end in passing this act. The President has approved it, and if we do not deviate in the least the purposes of the act are already accomplished. Knowing the condition you are in, applying every year for seed and other aid from Washington, they wanted to put means at once in your hands so that you might go on and improve your property, and this in no way lessens your claim upon the Government for the arrearages. We will have copies made of these papers handed to us by White Cloud and will return the original to you.

Bishop MARTY. You have asked in what way you can secure the payment of these old debts from the Government, and I will show you the shortest method. The reason payments are delayed is that it is said in Congress that the money sent here does not do any good. In this act the Government gives you the means to help yourselves, and if you take the hand held out to you the whole country will see that a change has come over you. The great majority of the white people are your friends, although there are others who say that whatever is sent to you is wasted. There are not many such, but in an up-hill work you know it takes but little to keep the wagon back.

The dams were built for the advantage of the white man, and your only interest now is to have the damages paid; but this commission is sent to you for your good, for your advantage, and not for that of the whites. The commissioners who came here three years ago made known your desires at Washington, and this act has been passed to enforce those wishes. When this act was read to you by Dr. Whiting I had in my hand the treaty of three years ago, and I found one provision after another which had been also put into this act, only made more effectual for your good. So you need not be afraid of this act, because it is altogether in your favor.

THIRD COUNCIL AT WHITE EARTH.

JULY 19, 1889.

WOB-ON-AH-QUOD. Will you kindly repeat what was said yesterday about the payment of what is due us from the Government?

Bishop MARTY. The money referred to has been admitted by the Government to belong to you; the money is there in the Treasury, and the secretary has taken down what was said on the subject, and it will be presented. The money bears interest as long as it is not paid, but Congress is waiting for evidence that you are able and willing to make good use of it, which evidence you can furnish by carrying out the provisions of this act.

Congress is in the position of a man with an old house; he don't like to spend money on it, but if Congress sees that you are willing to start a new foundation they will send you the money. Congress would, however, be astonished if, after signing the treaty of three years ago, which was very much less favorable to you than this, you would decline to accept this one. By the former treaty you would receive only 160 acres per head of family, and the balance of you 80 or 40 acres each, but under this act every man, woman, and child gets 160 acres. Would you take less when more is offered?

When you lived by hunting you needed more land, but as farmers this act gives you more than you can cultivate.

We have on the official pay rolls the number of Indians who are invited to take lands on the White Earth Reservation, and we find there is sufficient for them and you also. The policy of all your best friends is to have you consolidated under the influence of schools and churches. I have heard many Indians deplore the condition of their brethren at Lake Winnebagoshish and elsewhere surrounded by bad white men who take advantage of the Indian, and give him whisky and use the tribe for their own advantage and enjoyment. Your liberty is respected in this act; no one is forced; you are invited, but if you want to go to ruin, you are allowed to do so as you please. It has been said there are a great many mixed-bloods outside of this reservation, but should they all come there would be enough. It can be ascertained how many outsiders there are off the reservation, because we know how many whites have married Indian women; the agent knows it. Our work is not done until every one has his land.

WOB-ON-AH-QUOD. We wish to speak again about the annuities; it seems to us that whenever we speak of anything that is due us the Government listens and then just shakes his head to the whole thing. We represent these matters to every officer, commissioners and others, and they always say they will present the matter at Washington, and then nothing is done regarding it.

We have many times been in severe distress for that money, but no notice is taken of our request. We have tried to follow the advice of our Great Father and get in a position to support ourselves, but we are like a man with a broken leg. Of the cattle we have one ox will die, which puts a man in a bad position to carry on his farm; we have no funds to do the work with; we go back because we have no funds to draw on for our immediate needs.

There are a great many who, on the start, made progress, while they had something to replace their losses, but when we saw that our advance was not permanent; that we could not replace anything we lost, like an ox, for instance, our followers returned to the condition from which they had emerged.

There is a lot of dead and fallen timber which the Government would rather see

go to decay than allow us to cut and be benefited by; according to our understanding, we were to have the use of it.

We have received considerable stumpage money, or the Government has received it for us, but whenever we want to use it the authorities have to decide whether it is right to put it to the use we desire to; and that is a sample of the way in which we are hindered; while we are told we have something in the Government's hands, it turns out that we have nothing we can reach. A flouring mill was erected here, and it got out of repair; the dam broke. We tried to get the money that belonged to us to have the dam repaired, but could not, and all the investment there was lost. Whose fault was it, the fault of the Indians or the fault of the Government in failing to allow us to repair the mills, which are so essential to our welfare? When the mill was there, if we had grain to be ground, we could take our wheat there without fear of extortion; now we have to take it outside of the reservation, and we are imposed upon and can not help ourselves. There was not a single man at the flouring mill this spring to protect it from fires or other damage. The Government officials allowed it to go to waste, and the first thing we knew the whole thing was destroyed by fire. Who is to blame?

Why did that flouring mill remain unprotected? Because it was the Indians', and it was not worth while to protect it.

We know that our friend here, Mr. Rice, has tried very hard to get that back money for us. You have sifted the matter through and got it in good shape. The Indians are very thankful for the interest you have shown, and they appreciate it, knowing you have done everything you could to get the money for us.

I think that one of the lawmakers who was here with you once (Hon. J. H. Stewart) found that the amount of $10,000 was taken out of that fund, and all these things rankle in our bosoms. Who gave the authority to take that $10,000 out of that fund? It is now ten years since it was ascertained what was due us as arrearages. We were still receiving our annuities at that time, and it ought to have been continued until the whole amount was paid out as annuities. The Indians and the commissioners of the Government here understood each other very prettily how this arrearage fund should be paid, and it was understood that it should be paid just the same as the annuities were theretofore paid. It was also understood that in case the Indians wished a change made in the manner of paying their annuities it should be done, and how it should be done.

After agreements are made with us we always consider each article of the treaty as solemn and valid. We made an agreement at one time, which was ratified by the Senate and approved by the President, whereby the chiefs were to get every year so much out of the surplus as pay for their services; and that agreement was abrogated without our ever being informed why it was done, and still it was made law on your statute books.

All money arising from our appropriation which is not used here by the agency goes back into the Treasury, when it is due us.

We told you yesterday that this was the thing that was nearest to our hearts now, after which we will meet you to discuss fully the act which you present.

JOSEPH CHARETTE. For many years past we have coveted an opportunity to lay before the proper authorities at Washington this matter of our annuities, and we think the reason the Government at Washington would not receive us there was that they did not care to talk about their debts to us. Of course you can not be surprised that we lay these matters before you, as this is the only opportunity we have, not being allowed to go to Washington. We would like to dipose of what is first in the Indians' mind before taking hold of other matters, and perhaps becoming perplexed.

BAY-KIN-OW-AUSH. My friend (addressing Mr. Rice), we were very much pleased with the explanations you have made, but we think that Congress laid a track for these negotiations that does not work properly, for they have not given you authority to treat on these old matters. A man is always expected to meet his old liabilities before he is allowed to run into debt again. My friend, White Rice, you have the Great Father's name on your commission; we wish you to fix it so that we can get hold of the money that is due us. We are in want of everything; an illustration of our poverty is the fact that a man and woman were married here yesterday, and had practically nothing to start life with save the shoes upon their feet. Now, my friends, we do not want to stand before you like children, without any money in our pockets that we can call our own; what makes a man if it is not money? That is the way we all look at it.

Bishop MARTY. Admitting that the Great Father owes you money, we now offer you new money; the head chief told us that you were so poor as not to be able to get an ox when one was lost. The Great Father now offers you $90,000, but you say you don't want it until you are paid the old debt. As a friend, I advise you that

you will get the old debt sooner by taking the money now offered you. You must remember that the Government considers you its wards, and that you will remain such until this act is brought into operation, when you will become citizens, elect your representative to go to Congress and stand the equal of them all, demanding your rights if necessary. But if these propositions are thrown back in the face of Congress, years will pass, your pine will be burned, and many will die of starvation. An old woman told me this morning that since the snow left the ground she had had to dig snake-root, which was all she had to live upon.

ME-SHAKE-GE-SHIG. I would answer what has been said here, being one of the chiefs, but we have appointed a speaker so we are not at liberty to do so.

Bishop MARTY. The Government does not treat with bands, but with individuals, and through us now asks every head of a family whether he wants his wife and children to remain in misery, or whether he will give those who come after him a future. Is there anyone here who thinks there is not land enough reserved?

BAY-KIN-OW-AUSH. We were aware that every man acts for himself, but we know that in meetings of the whites there are two different sides, which have leaders; every one can not discuss these matters. The rule you lay down is a new departure; according to the white man's law a young man is not master of his actions until he is twenty-one, while under this act young men of eighteen can sign. Perhaps it is for the purpose of weakening our influence.

Bishop MARTY. It is a compliment, as it indicates that the Indian comes to maturity sooner than a white man. Everyone gets 160 acres, even the little child, and that is not the case among the whites.

JOSEPH CHARETTE. We do not like the pooling arrangement of the act. The white man would certainly not make such a bargain. Another thing, it will throw the Indians into the hands of the law before they are prepared for it; the reservation system is now a protection to him.

Bishop MARTY. You will not be made citizens until you are ready for it. As to the pooling, it is customary among the whites when a brother is seen in misery to help him, without first asking whether he is in fault. The Great Spirit has made it a law that we should love him and our neighbor as ourselves, and the Red Lake Indians, who have 3,200,000 acres to put into the pool, have not refused.

THOMAS SWAN. We wish to talk these matters over among ourselves.

An adjournment was then taken until the afternoon.

AFTERNOON SESSION.

WOB-ON-AH-QUOD. I have been consulted about the matter of the arrearages, and we would like to ask when, in your judgment, you think we will receive some part of this fund?

Mr. RICE. You know that twelve years ago, when Dr. Stewart came here with me, this matter was fully discussed. We obtained all the facts; they were presented at Washington, and we came very near getting the money for you. If he had lived and been sent again to Congress, you would have had the money long ago. We will do all we can to secure it for you, and see no reason why it should not be appropriated next winter. We have taken down what you have said, and will report it to the Government. I know that all you have said on the subject is true. I know you have been expecting this money a long time, and know how disappointed you are. The Government has already put on its books the amount due you, so that so much progress has been made. If this is all the information you desire, I will introduce our associate, Dr. Whiting, who will speak to you.

Commissioner WHITING. Chiefs, venerable in years—my young chief, in whose veins courses the hot blood of vigorous manhood—the storms of these many winters that have beaten upon you, have furrowed your brows; and in those deep lines we read how anxious has been your thoughts for your people. To you all, with a kind heart and a warm hand I offer my profoundest sympathies.

I respect you for what you are to your people, and for what you have been to them in all these long years. I respect you for what I believe to be your true feeling—that you are anxious that no harm shall come to those over whom you have so long watched. We not only respect you for your desire to do what is best, but ourselves have the feeling that nothing shall be done except what is for your greatest good. We believe that these fast passing hours are fraught with momentous results to your nation. We beg of you therefore to cast aside all prejudices, to believe that we are your friends, as we believe that you are ours. I conjure you to take what I shall say in a spirit of kindness, because it is in that spirit that I shall address you.

The Great Father and his counsellors, we believe, are approaching a time when a new departure will be made. You very well know there is a class of men who desire

to obtain your pine and to lessen your territory, and they would be only too glad to have you refuse to negotiate with those sent by the Great Father. If those men had their way this commission would never have arrived here, and other measures would have been taken, but the Great Father, under the advice of gentlemen like the chairman of this commission, said: "Let us send one more commission to those people to see if an arrangement satisfactory to them as well as to the Government can not be made." The Great Father feels kindly toward this nation, and would regret it should anything occur to your injury.

It can not be denied, however, that the people of the United States consider that you have here a country vastly larger than you can make use of—36 townships of as valuable and as beautiful country as I ever saw. You are a people of 2,000, residing here; 5,000 more living in other parts of the State; it is easy to see that this rich territory, capable of producing a large revenue, is lying in idleness. So the Government feels that it is not just either to yourselves or others that it should remain unoccupied, practically, and untilled; it has therefore sent this proposition to you, dividing this land among you, giving each more land than he can cultivate, more than the farmers of the Northwest average. The county in which I reside, and which in its beauty and productiveness resembles this region, contains 24 townships. It is divided into small farms, many of them not over 80 acres, and it sustains a population of 40,000. It is capable of sustaining 40,000 more, and giving every man, woman, and child plenty and to spare.

The Government is desirous of placing each one of you where you can produce all that your families need and more, and enjoy besides "the glorious privilege of being independent."

If you adopt this measure and move on the farms, each owning and cultivating his own, and transmitting it to his children, how soon will these hills be bristling with golden grain, and be covered with cattle? Towns will spring up, a railroad will come to you, and you will be like other people.

You understand that the money derived from the sale of the lands of the Chippewas of Minnesota will be kept in the Treasury of the United States until it amounts to $3,000,000, and at the end of fifty years, all that has accumulated will be distributed. This argument, of course, is addressed to the younger men more than the older. Fifty years hence we shall be gone; part of you will be gone, but your children—their children—will be here, and if you go to work under this act, they will be possessed of all this country, the richest and happiest people in the Northwest, with perhaps $5,000,000 distributed among them by the Government. Fifty years hence there will be railroad trains sweeping up here, and on this very spot will be standing a city large enough to buy all the produce from your farms, while your descendants will be as well educated as any in the land.

The boys you will raise on these farms will fifty years hence be the merchants and the bankers of the city which will grow up here; can you afford to continue to live as you have during the past twenty years? How much has your population increased in that time? It is a fact well verified that you can not multiply under such disadvantages as surround you at present. Take the history of the Seminole tribe, of whom you may have heard. In lands, they are the richest people on the earth. Not very many years ago, they numbered many thousands—more than all the Chippewas; each census shows how fearfully they are diminishing. The last census, taken a few months ago, demonstrates that that once great tribe has dwindled to 1,500 souls. This shows you that rich lands alone do not make a people prosperous, unless they are used.

The Government stands ready to do the best it can for you, if you will do the best you can for yourselves. The Government, like you, wearies of these long delays. You know very well that the head of this commission has been your friend for forty years and more. The Government has appointed commission after commission to visit you, and when it was finally about to give up in despair about making a treaty, it sent for him. Only his great love for you and his desire to make one more effort in your behalf prompted him to come here. You may know that he lives in a beautiful home, in the most beautiful portion of St. Paul, surrounded by a loving family and every comfort. It was a great sacrifice for him to leave it for your sake. In sorrow his family parted with him, and he now believes that this is the last opportunity these Indians will have to make a treaty with the Government which will be satisfactory to them, saying, "As their friend for forty years and more I must go to them." I beg you not to throw aside his counsel lightly, for no other friend like him can come to you.

Then, in conclusion, let me say that as I believe in God and believe he will watch over you in your efforts to do your best, I am sure that your highest welfare requires that you should enter into this agreement with the Government.

GUSTAV H. BEAULIEU. We would like to know whether, if the Lake Superior

Indians should refuse to sign this bill, they would be included in this agreement, provided two-thirds of the Indians here sign it.

Mr. RICE. The provisions of the bill very plainly require two-thirds of all the Chippewa bands of sign.

JOHN H. BEAULIEU. Can Indians living off the reservation sign?

Mr. RICE. That question is not touched upon directly in the act.

JOHN H. BEAULIEU. What is the construction placed upon the words "belonging to and occupying?"

Mr. RICE. That includes only those living on reservations and who are actual occupants.

GUSTAV H. BEAULIEU. We wish to know if the Gull Lake Indians are disinherited as to any rights they have in this reservation?

Mr. RICE. I will read from the instructions sent by the Interior Department: "The Indians who come within the purview of this act and to whom the proposed negotiations are to be extended are those of the following reservations: White Earth, Red Lake, Leech Lake, Cass Lake, Lake Winnebagoshish, White Oak Point, Mille Lac, Fond du Lac, Grand Portage, Bois Forte, and Deer Creek, and also the scattered bands of nonreservation Indians throughout the State."

JOHN H. BEAULIEU. There are other scattered bands who might claim to be Chippewas and would want to come in under the provisions of this act.

Mr. Rice then read the descriptions of the various reservations as named above, showing the bands which belonged to each reservation.

JOHN H. BEAULIEU. Can anyone sign for Indian families whose head is a white man?

Mr. RICE. No one can sign save those having Indian blood.

JOHN H. BEAULIEU. What is the construction of the provision of the bill that in no case where an allotment has been made in severalty the holder shall be deprived thereof or disturbed therein.

Mr. RICE. That is capable of two constructions. Some believe that it has relation to Mille Lac lands. If you should cede a portion of your lands upon which an Indian has settled that provision protects him under the Dawes bill. The Red Lake Indians made a large cession, and under the provision any of them who have heretofore settled upon the ceded lands have a right to hold land so selected under the homestead or preemption laws.

JOHN H. BEAULIEU. The act under which you proceed says that allotments are to be made in accordance with the Dawes bill. Are the general laws of the State extended over the Minnesota Indians?

Mr. RICE. Here it is in very plain language: "That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President in making allotments upon such reservation shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act."

GUSTAV H. BEAULIEU. We want to know whether the provisions of the Dawes bill extending the laws of the United States over the Indians will be operative.

JOHN H. BEAULIEU. I should like to ask whether, when the Dawes bill refers to the civil and criminal laws, those provisions apply so as to make our people here subject to the taxation of the white man?

Mr. RICE. I think you will come within the same rule as officers at the United States forts; their property is not taxed.

Maj. B. P. SHULER. Allow me to state that I recently asked the United States district attorney about the matter of the service of civil process on this reservation by the sheriff of Becker County, who desired to do so in reference to a chattel mortgage given off the reservation. I had told the sheriff he could not come on this reservation to serve civil process, and I was told by the district attorney that that could not be done here any more than on a military reservation.

JOHN H. BEAULIEU. What are the laws regulating the survey of the public lands, as to the cost?

Mr. RICE. There is an annual appropriation for surveying public lands, and the price is fixed by law.

JOHN H. BEAULIEU. As this is quite an item in the expenses of this arrangement, and as the Government is going to do the work as quickly as possible, as we understand it, will the Government be apt to pay considerable extra for those services?

Mr. RICE. Nothing extra can be paid under the law.

JOHN H. BEAULIEU. What proportion of pine, in your judgment, must a 40-acre tract contain in order to be classed as pine land?

Mr. RICE. I believe that the rule is, whenever a 40-acre tract contains pine enough to warrant the expense of marketing it, it is so classed.

JOHN H. BEAULIEU. Suppose the land contains other valuable timber, the so-called pine land, is that also valued with the pine?

Mr. RICE. The act says: "Land on which there is standing or growing pine timber;" the amount of timber is not limited; the value of the land goes in with the value of the pine; the purchaser does not get pine without land. The value of the land is added to the value of the pine.

JOHN H. BEAULIEU. Here is a piece of land, good oak timber or sugar bush; is that to be classed as agricultural land without adding the value of that timber?

Mr. RICE. It is very clear that any land which has pine on it will be classed as pine land, whether it has fallen timber or not upon it.

JOHN H. BEAULIEU. If, after pine lands have been sold, and it can be shown that the appraisals were far below a just estimate, can the Secretary of the Interior annul such sale?

Mr. RICE. The annulment comes in prior to the sale; when the appraisal is too low the Secretary of the Interior can annul the appraisal and appoint other appraisers.

JOHN H. BEAULIEU. After a single public sale provided for in the act, will the balance of the pine land be sold at private sale?

Bishop MARTY. It is evident that there can be but one public sale and the residue of such lands after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same upon application at the local land office.

JOHN H. BEAULIEU. Is it the opinion of the commission that there will not be Indians enough to take up the whole of this reservation under the act?

Member of the Commission. It is.

JOHN H. BEAULIEU. What does the phrase "subsisting, valid pre-emption" refer to, as found in the act?

Bishop MARTY. I should construe it as meaning settlements upon any lands now ceded; if any Indian has attempted to make a pre-emption upon such ceded lands, it will be respected and preserved for him.

JOHN H. BEAULIEU. If the Indians consent to this bill, how soon do they get any money, and if twenty-five families should move at once to this reservation, what provision is made for their subsistence?

(Question withdrawn for the present.)

JOHN H. BEAULIEU. What constitutes a man the head of a family?

The chairman read the clause in the act classifying the Indians.

Council then adjourned until July 20.

FOURTH COUNCIL AT WHITE EARTH.

JULY 20, 1889.

Mr. RICE. I now return to White Cloud the papers handed to us regarding the arrearages.

(White Cloud took the papers referred to.)

GUSTAV H. BEAULIEU. There are a number of Indians over the State who live on no reservation, and still they claim to be entitled to all the rights that we are; can they be participants under this treaty, to the full extent, with annuities?

Bishop MARTY. We are only instructed to visit the reservations, and can take only the names of those recognized by the tribe.

GUSTAV H. BEAULIEU. If a scattered band of Indians should meet you at, say, Mille Lac, what action will you take?

Mr. RICE. The course I think the commission will take is this: Where we hold a council, every Indian who is desirous of signing will be permitted to do so, no matter where he lives, provided the other Indians do not object; we are not sitting here as a court to decide that question. If there is dissatisfaction with our decision, they can go to Washington.

GUSTAV H. BEAULIEU. We want to know whether the laws of the State are to be extended over the Indians.

Mr. RICE. When you become citizens under the laws of the State your land is, of course, exempt from levy; you are also allowed a certain amount in value of household furniture; the blacksmith is allowed his tools, the farmer's cattle and stock can not be attached, no matter how much he may owe; but if he has more than this and owes an honest debt he has to pay it. He can keep a sufficient supply of provisions—a year ahead. Now if a man has more than all that, should he not pay his honest debts?

JOHN H. BEAULIEU. Will any portion of this reservation be sold?

Mr. RICE. It can not be sold; if there is more than enough for the allotments, the balance is still yours, but there is, I think, a provision in the Dawes bill by which, after all the allotments have been made, there is authority given to negotiate for the disposal of the balance, but under this bill whatever is left over is left to you.

GUSTAV H. BEAULIEU. If we accept this bill will you pledge yourselves not to open a foot of this reservation to settlement by the whites?

Mr. RICE. We could not do it under our instructions. But under the Dawes bill, after your allotments are all made and you are satisfied that every one is provided for, and there is a portion left on which there is no allotment, and you wish to dispose of that, all you have to do is to make your wish known to the President and agree upon the price. It can not be taken from you and the white man settled upon it until your permission is given. Under the Dawes bill you are not compelled to sell the portion of this reservation which is reserved and not allotted to any one.

GUSTAV H. BEAULIEU. What is the status of the Mille Lac Indians?

Mr. RICE. In 1863 and 1864 the Mille Lac Indians ceded their reservation, but reserved the right of occupancy so long as they do not molest the persons or property of the white man.

GUSTAV H. BEAULIEU. What constitutes the head of a family under the act?

PAUL H. BEAULIEU. Mr. Rice says that every man who is married is the head of a family, whether he has children or not; also every widower with children; every woman with children who has lost her husband, and every Indian woman married to a white man is the head of a family.

Council then adjourned until the afternoon.

AFTERNOON SESSION.

WOB-ON-AH-QUOD. Since we first heard of the appointment of a commission to visit us we have passed many sleepless nights; many have done their best to understand this act, but I and many others do no yet fully understand it, not having the benefit of education, and even the mixed-bloods do not understand it.

CLEMENT H. BEAULIEU, Sr. I should like to ask how the honorable commissioners look upon this: A person who is married to a Mississippi woman and has taken her to the Pembina Reservation—how does she stand in relation to this arrangement?

Mr. RICE. We found men at Red Lake belonging to Leech Lake with wives who were enrolled at Red Lake, while the men were enrolled at Leech Lake. We think that a Mississippi woman who is married to a Pembina man does not lose her rights in your reservation, neither does she gain any rights there; the Pembina man gains nothing here; she loses nothing here.

You are the judges in the matter of the census which will be taken; you know who ought to be on the rolls and who ought not.

Council then adjourned, subject to notification by the Indians that they were ready to again meet the commission.

FIFTH COUNCIL AT WHITE EARTH.

JULY 23, 1889.

The committee appointed by the Indians to consult and report on the subject of the negotiations, Messrs. Gustav H. Beaulieu and John H. Beaulieu, then proceeded, through the first-named gentleman, to read to the Indians the act of Congress approved February 8, 1887, commonly known as the Dawes act, it being interpreted phrase by phrase, after which a correct and intelligent explanation of the provisions of that act and the act presented by the commission, with a comparison of those provisions, was also made by Mr. Beaulieu, all of which was pronounced by the Indians to be satisfactory to them.

WOB-ON-AH-QUOD. The Indians here express a desire and wish me to try to understand the full purport of these negotiations.

I do not wish to make any definite answer or say anything, except I wish to state a few complaints.

We remember very well the time when commissioners, like yourselves, were here to negotiate with us for the same reservations and for the same purposes. There is one thing I do not see; I have received no information or enlightenment on the questions that I asked.

We have heard there was to be a change made relative to the arrangement that was made here before. We heard also that the lawmakers had made up their minds and were waiting to defeat the arrangement we made three years ago, before it reached them, and we heard that the treaty had been rejected by them.

We heard also that there was another bill which Congress was about to submit to our consideration; we heard the different points of the bill before it reached us.

We heard that the man whom the Chippewas knew so well was to be one of the commissioners. We also had the pleasure of learning that the bishop who had worked a long time for the Indians and understood all about them, and whose heart was full of charity and good-will toward the Indians, had also been appointed.

We also heard of the appointment of our friend the big doctor, and were pleased

to hear that he was a good man and that all he wished was to relieve the poverty of the Indians. We then thought that after accepting those positions you would present to us an act which would be for our good and the benefit of our children in the future. And now you bring a bill to us which has been made beforehand by the lawmakers in Washington.

We understood that you would read the act to us; and if there was anything forgotten in the act we were under the impression that your visit would not be in vain and that we could come to an agreement. The reason we submitted the questions under the act to these two young men is that they can understand better than we. One difficulty is that while I am an aged man, others who are very much younger have the right to sign, and should I not sign, his signing would balance my not doing so. We are something like a blind man, who is told by another not to step in a certain direction, and who may misunderstand what is told him, so that he gets into a hole after all; we may in the same way find that if we sign, it is after all not for our interests. We do not want to act hastily in the matter, and if the commission has nothing more to say at this meeting, we will remain here and discuss it among ourselves.

Council was then adjourned until July 24, 1889.

SIXTH COUNCIL AT WHITE EARTH.

JULY 24, 1889.

GUSTAV H. BEAULIEU. We would like to ask whether this reservation will remain intact, or whether the bill provides for the opening of any part of this reservation. We want to know if the commissioners will not reserve the whole of it in order to locate all those Indians who may come here; of course we are uncertain as to the number that will come. Should the commission decide that any portion of it shall be sold, under what conditions will that portion be sold? Will there be a certain number of townships reserved for the future use of the Indians, or will the Indians here present be able to take their claims anywhere upon any portion of the reservation?

Another question is: There are a certain number of Pembina Indians belonging to the Red Lake and Pembina bands who are carried on the rolls in this State, although they reside in Dakota; will those Indians, under this bill, have a right to come into this State and take up claims on Red Lake Reservation, or on the township allotted to them on this reservation? That is all the questions we have to submit now; in fact, they are all the questions.

JOHN H. BEAULIEU. The question is a brief one: Will the Dakota Indians belonging to the Pembinas and who live in Dakota and are on the rolls—we are not referring to those away outside, but those who are considered parties to the Red Lake and Pembina agreement—will they be allowed to take land here?

Mr. RICE. As we stated to you the other day, none will be put on the rolls here who do not belong to the Chippewas of the Mississippi, to whom you object; we will not enroll them. The question stands as it has always stood; we have no power to change it, and if you do not know who belongs here, we certainly can not find out. We take it for granted, however, that any Indians, no matter where they may now be, who are of your blood, will be given all the privileges to which they are entitled. We do not see that you have anything to do with the Pembinas, or they with you. With the exception of the township they have on this reservation, their rights are with the Indians at Red Lake. Is that perfectly satisfactory?

GUSTAV H. BEAULIEU and JOHN H. BEAULIEU. Yes, sir.

Mr. RICE. Now, should your present reservation be reduced, should some townships be taken off, that land will have the same status as the land just ceded at Red Lake. We are distinctly of the opinion that for your own safety and protection you should part with a small portion of this reservation. Power is given us under the act to reduce it if we see fit, but we are not going to exercise any power which would be injurious to you.

You have evidently studied this question most thoroughly, and if you have reasons why the size of this reservation should not be reduced, we wish you would put them on paper and to-morrow morning we will give you an answer. Our decision in the matter will be final, but we want your reasons so we may submit them with our report.

Wob-on-ah-quod then made a speech to the Indians in their language.

GUSTAV H. BEAULIEU. The evident intent of this bill is to consolidate all the Indians in Minnesota upon this reservation, except the Red Lake and Pembina bands, although it is provided that each may stay on his present reservation if he wishes to do so.

No time is stated when these allotments shall be made, and the Dawes bill will have to be followed in that respect.

The bill provides that if an Indian does not take his allotments within four years after the President has issued an order to do so, a commissioner or special agent appointed for that purpose shall allot him land, so that any Indian who does not take land within four years after this bill is put into effect, may be allotted land by the commissioners upon this reservation. I think any Indians taking allotments under this bill can do so and then go among the whites to reside.

There are quite a number of Indians who belong to no reservation and are still entitled to the same rights as we—the Gull Lakers, for instance; and there are quite a number of mixed bloods at Mille Lac and around Snake River, and in that vicinity, beside other scattered bands of whom we do not know. In case all those Indians come up here and decide to take land here there would not be too much arable land, perhaps. If all the Indians in the State should eventually decide to come here there would be hardly enough land.

This bill provides that if an Indian has an allotment in severalty, he can not be disturbed unless he consents to it in such form and manner as may be prescribed by the Secretary of the Interior. Now, it seems to be that although some of the Indians at Lake Superior have had their lands allotted to them, they can, under these provisions come here and select lands, by leaving their allotments on Lake Superior. As I said before, if all those Indians come here there will not be more than enough land to make allotments.

If any portion of the townships of the eastern, northern, western, or southern tiers should be opened for settlement some of our people would be found settled upon them; whatever was so taken off would be attached to a county—the southern tier of townships, for instance, would be attached to Becker County, which has a large floating debt, and our settlers would be subject to taxation upon their personal property. Their lands, of course, could not be taxed, but I do not believe that those people are ready yet to be taxed at all. They should be first educated to it; that was the cause of the trouble between the Turtle Mountain Indians and the county officers. In order to guard against that I do not think any portion of this reservation ought to be opened for sale, and there are a good many Indians who may want to move here in the course of three or four years.

The commission itself can judge from the number carried on the rolls that there will be none too much land if all those Indians should decide to come here. John H. Beaulieu called attention the other day to the number of swamps and lakes which are good for nothing.

Mr. RICE. Are there others to beheard from?

WOB-ON-AH-QUOD. That covers everything.

Council then adjourned until July 25, 1889.

SEVENTH COUNCIL AT WHITE EARTH.

JULY 25, 1889.

Mr. RICE. I wish to direct your attention to the following, contained in what is called the Dawes bill: "The President of the United States is authorized, whenever in his opinion any reservation or any part thereof is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon."

Our instructions read as follows: "The general allotment law of February 8, 1887 (24 Stat., 388), the provisions of which are, by the third section of the act under consideration, made applicable to the allotment of lands to the Chippewa Indians on the portions of the White Earth and Red Lake reservations to be reserved for the purpose by and under the agreements to be negotiated by you, provides for the allotments of lands 'advantageous for agricultural and grazing purposes,' and 'when the lands allotted are only valuable for grazing purposes an additional allotment of such grazing lands in quantities as above provided shall be made to each individual.'"

Bishop MARTY. You have heard that the Dawes bill says that only such lands shall be allowed as are advantageous for agricultural or grazing purposes, and that direction is repeated in our instructions.

Now, you are in a more advantageous position than a great many other Indians in the United States; you have not only agricultural and grazing lands, but pine lands, which are more valuable. It is the rule of good government that the laws should give the greater good to the greater number, not making one man richer than another. If some were allowed to take pine lands, they would have such an advantage over the others that there would be an everlasting strife, enmity, and perhaps even bloodshed, so we are directed to reserve pine enough for the use of you all in common; all that you can need for building purposes for years to come, the rest being sold for the benefit of all.

Mr. RICE. Our anxiety is to leave nothing behind which shall give you uneasiness hereafter. You have heard the views of the commissioners upon this subject, and we shall be glad to hear your side of it. It may be proper to explain why we went first to Red Lake. We thought it would be wrong to get you to agree to these propositions before counseling with those at Red Lake; so we went there first.

To show you the importance of being careful I will mention that in the treaty made twenty-two years ago you supposed that this reservation was given to you. You lived here under that impression in peace and plenty for several years, but as the white men increased around you it was discovered that your treaty was defective. A weak point was found, and it was this, that the land was not yours and could not be yours until you had done certain work to secure your allotments, which work it was almost impossible for you to do for lack of means. Had proper care been taken at that time that difficulty would not have arisen.

Ever since that defect was discovered you have been annoyed; as you say, you could not sleep. I believe that if your land had been unconditionally allotted to you then, your prairies would now be covered with grain, horses, and cattle, to ten times the extent they now are, because you would have been encouraged to work.

WOB-ON-AH-QUOD. I have not during these negotiations uttered anything that pertained solely and individually to myself. I have uttered the thoughts of others; but I shall now express my own opinion to the commission. While our new father (the Indian agent) is here is a good time to mention these things. We would like to have again made the explanation regarding the Pembina Indians among us. When they first came here we camped very near each other; we were, so to speak, face to face, so when we were asked to relinquish a piece of our reservation to them we did so. We have heard that while they were owning their own reservation they were in interest with the Red Lake Indians. I wish to come to an understanding about this, because I heard last night that they had signed, and they were going home across the prairie. If they go, shall we have the whole reservation as we had it before we ceded that portion to them?

Mr. RICE. You are laboring under a misapprehension in regard to what was done last night; they did not sign any paper relating to your reservation. The Red Lake Indians told us that there were Pembinas who had some interest in their reservation, and the Secretary of the Interior informed us of it also. The Pembinas have, therefore, signed the same paper that the Red Lake Indians signed, relinquishing any interest they might have there; that was all they did. The Pembinas own the township you gave them, and they propose to take their allotments within it; they claim nothing outside of it. Their reason for going home last night was that they might attend to their crops. What was reserved of the Red Lake Reservation was reserved for the Red Lake Indians alone. We can show you if you wish, before we leave, the paper the Pembinas sighed.

Joseph Charette then made an address to the Indians.

WOB-ON-AH-QUOD. I have not yet said anything relative to the bill; I have not expressed an opinion; I have not said what my views were, whether there was anything good or anything bad in it. Profiting by what our friend—the friend we have had for a long time—said, that the commission did not want anything left to sadden our hearts in the future, I am very much encouraged by it. We have been given to understand that our reservation was 36 miles in every direction, each way—square; inside of it is a large quantity of a very good thing, a substance we all use, called water; there is a large proportion of water within this reservation. There is a variety of land here; a number of acres of tillable, arable land; a very large amount of swamp and mountainous land not fit for agricultural use. There is a large amount of swamp and water also. There are also all sorts of timber—very valuable timber; some that can be used for every variety of purpose; for wagon making and furniture making, but only a little branch of cedar, and that is way off.

If there is any Indian on this or any other reservation who wishes to make a living by agriculture and who is looking to the future, this is the one place he will look to for good land if he has any sense at all. This is the place they will eventually remove to. This is the place they will want to come to. I see there are a great many who say that there will not be land enough for the whole; that is what I know positively.

There is one thing very pleasing to our ears, and that is what you read to us this morning relative to the pine lands, that no person could be allotted pine lands under the law. When I see my way through and understand the whole thing, I shall express my opinion. I shall say, "This is good" or "This is not good." We think it is a very good thing that our new agent should understand all these things. It has been a great source of help to us to have these young men as a committee to explain their views to us and interpret the act to us; it has enlightened us in our views and given us an understanding we could not have otherwise arrived at. We

did not ask their opinion as to whether they were in favor of the bill or not; all we wished was to hear from them their interpretation of the bill and take notes in accordance with the questions asked.

Mr. RICE. We are ready to receive any further questions.

GUSTAV H. BEAULIEU. I would like to know if the statements regarding pine lands, etc., applies to this reservation—if that was intended as an answer to our question as to whether any part of this reservation would be opened to settlement?

Bishop MARTY. The pine lands are to benefit all the Indians of the reservation, and not one in preference to another. This can be accomplished by reserving as much timber as you can need, holding it in common. It would not do for you to be compelled to buy pine from the whites. You must keep enough of it for yourselves, but what you can never have use for is to be sold and the proceeds divided among you all equally, according to the provisions of the bill.

The chiefs know the land best, and they are the ones to inform us what they can spare, and what can be sold for the benefit of all. The pine lands can not be allotted under the law, but will be sold by the Government, who will see that a good price is obtained. This will be no loss to you, but a clear gain from year to year. The more pine sold, the more principal and interest you will receive, so that you can from year to year improve the lands you retain.

GUSTAV H. BEAULIEU (addressing Wob-on-ah-quod). Do you consider that an answer to the question as to whether the reservation is to be left intact?

WOB-ON-AH-QUOD. When I spoke of the pine, I meant the pine on this reservation. There are various localities where farms can be adjacent to pine in every direction. My idea was, that when any person was removed to this reservation he could always be in close proximity to pine.

Mr. RICE. Perhaps we can get at this in another way. The pine lands upon this reservation, over and above what is necessary for your use, are worth hundreds of thousands of dollars. Now, do you want those lands allotted to a few, or do you want them sold and the money divided among you all? They can not be allotted, and if anyone thinks they may obtain them in that way they are mistaken. We can leave to you what may be necessary to hold in common for your future use, so you will not be compelled to pay two or three prices for the lumber you need. If you do not help us you must not blame us if you are not protected. The Dawes bill is plain; our instructions are plain; you have men here educated well enough to understand what has been said and to read to you.

GUSTAV H. BEAULIEU. I would like to say a few words to the Indians. [Turning and addressing them.] I have been for a week past trying to get an answer to a question that I put, I think, very definitely to the Commission. I have asked them whether the reservation would be kept intact or not. I think now that I understand their answer. I think that the intention is to dispose of a part of this reservation, because they say that whatever pine may not be reserved for the use of the Indians here shall be sold. They say they do this in order to equalize everything.

Now, they say they can not allot lands except agricultural or grazing lands. Now, my understanding of the Dawes bill is this: That they can survey any portion of a reservation that is good for agricultural purposes, or they can resurvey it if it has already been surveyed, and they can allot lands to Indians thereon. It does not mean by any means that they must confine the Indians to the agricultural lands; that is my understanding of the bill. Now, the Commission seem to think that our sole object is to reserve the pine lands and take the allotments in severalty, so that just a certain portion of us will get the benefit of it. Now, they don't take into consideration, but I say, that the allotment of pine lands to the old people who can not work and the chiefs would be a good thing. It is not taken into consideration that all those Indians toward Lake Superior have had their lands allotted to them, no matter where it was, whether in pine or elsewhere, and in that way they have stripped their reservations of the pine upon them. I would like to know whether that is equality? I am first, I have always been, opposed to the opening of one foot of this reservation. Now, as White Cloud has said, there is lots of agricultural land in and among the pine land. I think there should not be a single solitary foot of this reservation disposed of by sale. It is true there is some pine on it, but we can use it all; if the Commission don't feel disposed to allot pine lands, the Indians can use it.

I want to say just this much before closing, that if one foot of this reservation is disposed of, that it is the intention of the Commission to dispose of a single foot of this reservation, I will not sign the bill; I want to be placed on record as to that. I refuse to sign it; I refuse to sign it.

Bishop MARTY. I have heard from yourselves that these Lake Superior Indians, to whom pine was allotted, are as poor to-day as they were ever. If the same course is pursued here, the same consequences will follow. If Congress had foreseen that the

Indians of Lake Superior would have impoverished themselves as the result of receiving allotments of pine, that plan would not have been adopted. They have squandered all they received, and Congress don't want you to get in the same condition.

GUSTAV H. BEAULIEU. The bishop seems to think that the people here are incapable of taking care of anything, in case they should receive anything. Now, those people up there I don't consider the equals of these people here; they don't stand in the same position that these people here do. Now, if anybody has traveled among those Indians, as I have, he will know that there is a great difference in them; their temptations are greater. Now, for instance, their reservation is right bordering—comes right up to the town—to a town of about 4,000 population. Now, in that town there are probably about fifteen or twenty saloons. Their agency is three-quarters of a mile from the main part of the town—from the post-office. Some of them are living about as far as from here to the store down there [indicating] from the saloons. A large majority of the young men, it is true, have squandered their means, and there are some young men who have made good use of it, but the majority of the older men have used theirs in a good way, to improve their allotments and build houses; and still they don't compare with these people; that is, I mean, in point of industry and everything like that. Their habits are a great deal different. That is the reason that I say these people here are capable of taking care of themselves, and of anything they have.

Mr. RICE. The Government wishes to dispose of such pine lands as are not necessary for your use, and the reason is this: The land you have taken—the quarter sections are worth $200 each before they are improved. There are quarter sections among your pine worth $20,000 each. I say that I know there are on your reservation pine lands which have been estimated at that figure. The question resolves itself into this: Shall we give this man a piece of farming land worth $200, and that man a piece of pine which is worth $10,000? Should we assent to a proposition so unjust, so unfair, you and your children and your grandchildren would censure us. We ought to be censured to the end of time should we do so. The piece which will be reserved will be for you all, all alike. I think the pine on this reservation that is not wanted for your use is worth hundreds and hundreds of thousands of dollars. Are you going to give it to a few while the many receive so little? Are you going to sit here and see the fires consume it? You who are sitting here are responsible for what shall be done now; you are responsible for the situation of your children hereafter, and we expect that you will, like men, assume the responsibility. We are here to help you; but if you will not allow us to do it, we will be obliged to pack up and go home, making such a report of your condition to the Great Father as will be listened to by him. When you point out anything we have attempted to do which is unjust, which is unequal, we will consider what you say with all the patience in the world. Now, if you will take the responsibility of giving this valuable pine to a few, do it; but you will have no help from us. There is a responsibility resting upon us, and we propose to abide by the consequences. There is a greater responsibility resting upon you, for upon your decision depends the welfare of your race for all time to come. If you are the men we believe you are, you will not hesitate to discharge that responsibility properly. You have here well-educated men, who have seen the workings of all civil systems of government, and must decide for yourselves.

GUSTAV H. BEAULIEU. I want to make another statement here. I could wait until the commission go out, but I don't want to make any statement and then be misconstrued. Whatever I say I am responsible for. Now, he [Mr. Rice] says that their people will hold them responsible for any act they do against the interest of the children. Now, they should also include the present generation; the young men who are now present.

Mr. RICE. I do.

GUSTAV H. BEAULIEU. Then, the young men here have agreed to oppose the sale of any portion of this reservation. I think that is the general feeling here. Now, if they want to look out for the interests of their own tribe, their own band, the Mississippis, they want to keep this reservation intact. Now, suppose you dispose of any portion of this reservation, and those Indians over there should fail to take up their allotments, where would they look to? They would look to this reservation, of course. In case you should dispose of any portion of this reservation, who will be censured? It will not be anybody but yourselves. Do you think any of the Indians who have right upon this reservation, no matter where they live, are willing to dispose of any portion of the reservation? If they think so then they can sign the bill.

Bishop MARTY. He says that the Indians will be censured if there is not land enough; we will be censured, because in our instructions we read that we must keep land enough for all, and we are going to fulfill that duty. "While it is necessary to exercise great care to reserve a sufficient area of land to make the required allotments, it is no less necessary that great care and caution should be exercised to see that the

portion reserved for that purpose will be sufficient to make to each of the Indians an allotment of such land as will be advantageous for agricultural and grazing purposes.'" This commission will not have done its work until every Indian is provided with land.

I do not wonder that these Indians are distrustful of measures proposed by the Government. Generally the propositions made to the Indians look very well on paper; they are all intended for the benefit of the Indians, but the difficulty comes when the measures come to be carried out; they are sometimes not carried out as they appear on paper. Three years ago the propositions made to you were adopted by you, but they failed, because it was necessary to obtain afterwards the consent of Congress, which was at liberty to adopt them or not. With these propositions, however, it is different; Congress has acted upon them and they only await your consent. Congress has directed the President to carry out this measure, and he has appointed us for the purpose. We are ready to do it if you are willing, and if you are, we will so inform the President, when he will direct us to continue the work until it is finished. So you see that no other parties can interfere, and if you have confidence in us we shall go to work. Congress now makes you this offer; the best offer ever made to you. If you refuse, while I trust a better proposition will be made to you in the future, I doubt it.

BAY-KIN-OW-AUSH (after addressing the Indians). My friend, Mr. Rice, how will it be if you make allotments; are you going to give any cattle with those allotments, so we can proceed with our advancement? How is that? If you remove anyone and allot him land on this reservation, he will have nothing to eat unless you give him provisions. It took you two years to perfect this bill, and when you came you took us by surprise.

Mr. RICE. There is a provision in the bill by which you can improve your allotments whenever the time comes.

NAY-TOW-AUSH. I have a perfect right to talk here also; I belong to this reservation. (Addressing the Indians.) I am not going to speak very long to our friends who come to pay us a visit, but I don't wish any one to come and sit me down. (Holding up a silver medal.) I speak on the strength of this, which is some of your own doings. It is now a whole week that we have been discussing this matter, and I was very glad when I heard that Mr. Rice had been selected as one of the commissioners to come here and speak to us; I also felt elated when I heard that the bishop of our church had been selected to come and speak to us, and I heard also that this gentleman had been chosen as a lawmaker to come. When I was looking at the road I was following to come here, I said: "Here is the road that takes me to where I meet upon an equality the commission." Little by little I found out what the purport of the agreement was that the commission was to present to us. When I looked back and saw the condition of my children, I thought that what the commission was about to present was the very thing for my children. I speak from the standpoint of poverty, and we must help each other, my friends. I speak as an individual, and I do not know what my fellow Indians are thinking of this matter; I have a great many half-breeds in my band, and do not know what they will do, but only speak of my own feelings in the matter. To-day I called on the Master of Life to help me in this transaction. I understand the whole thing. I am going to sign that instrument, as I understand it. Even if my signature should be there alone, I should sign it, for I understand that it is for the good of my people. Everything you tell me, I know is for my good, and I do not dispute it. I will wait until Wob-on-ah-quod signs. I do not want to sign first, but if he don't I am going to, anyway; that is all I have to say.

JOSEPH CHARETTE. You say in your talk there will be something to help whoever signs, to help them along, but there is nothing that comes right along with this, so we can start in progress "right straight from the word 'go.'" If we were all in such condition that we already had a start on our farms this money could be well applied, but we are not all in that condition. Would that $9 per capita be sufficient to start us with plows, cattle, etc.? There seems to be nothing extra for any who has not yet made any start at all. We would be willing to take a lot of funds and put them all together; I should like it very much; even the whites are provided for in that way by legislation. I should be willing that half the amount coming to me should go to those who have nothing to start with. Otherwise I think the Indian will be a long time in starting, as he is now stunted in his growth. A great many like myself will make rapid progress under this arrangement, but there are others who will not get on so fast, as they will not have the means. Have you the power to make an amendment for the benefit of those who have nothing?

CLEMENT H. BEAULIEU, SR. The commission was pleased to tell us that the back fund spoken of here would be paid if they could accomplish it. It was said that the chiefs in council would state what would become of that money. You can do that; there is not a half-breed in the whole country but what would be willing to give his share to start those who have nothing. I believe there is not one who would not say, "Let us give them enough to start with."

WOB-ON-AH-QUOD. The commissioners are vested with power, and their recommendation is strength. You [Clement H. Beaulieu] are well acquainted with the doings of the agent under the orders of the Government. You know many orders are sent here to him, whether they are in conformity with treaty obligations or not.

You say that that money should be paid as the chiefs in council shall direct. That time is passed. We have seen very wise things on paper, which says so and so, but we find the agent's instructions are different. If they should only say that this money should be paid as the chiefs in council should direct, then we could do it; otherwise not. Everything the commission tells us we accept as truth. Whenever a law is enacted it ought to be carried out, but so many times we have enacted clauses which were afterwards thrown over. I wish everything to be understood and carried out, owing to the respect that I have for the commissioners. We should like it if there could be something done for our young men under this arrangement so that they could accept it with joy, and so they could start with a sufficiency.

ME-ZHAKE-GE-SHIG. We have listened now for a long time, and our ideas are becoming confused. The Indians understand fully the meaning of the word "respect." We want to carry out the idea conveyed by that word, and we object to anything arising to create any disturbance or mar the pleasantness of the occasion.

You see a great many here, Indians, half-breeds, and whites, and among them many who come only on account of the land, with their ears open to listen to anything that will give them a chance to get an allotment made in the pine. I know a great many come here for that purpose. If the pine lands should be allotted in severalty, you would not see many in council to-day. They would be hurrying out to mark their allotments in pine, and they know where the pine lands are.

We hired these young men to act as a committee, and wanted them to interpret the bill to us, but it is not supposed that because we asked them to present these questions, that we would forever keep silent ourselves.

Mr. RICE. We have listened with a great deal of pleasure to what your chief has just said. For a number of years the Government has sent you $10,000 a year to help you in various ways. It is expending thousands of dollars every year in employing men to keep whisky out of your reservation. If your agent, your farmers, your blacksmiths, and the supplies should be withdrawn, what would be your condition? Your reservation would be flooded with whisky and you would be driven to the swamps. The description of every piece of land taken by you as an allotment, with the name of the person taking it, is sent to Washington. If the whites should look at the books in which those records are preserved and see the very few who have taken allotments here during the past twenty years they would be astonished, and would take it for granted that your young men were either idle or leading the life of the hunter. When the books show that the young men have all taken allotments the Great Father will feel encouraged, and we can more easily induce the Government to send the means here to help you.

The eastern tier of townships contains a great deal of pine, which will bring large sums of money. It is all surveyed; it is only necessary to have it examined and sold, which will not take a long time. If it is in our power to have the Government advance something to give your young men a start we will have it done. We have talked this over, and will do what we can. We know the difficulties you are under, and are astonished at the industry with which some of you have earned 160 acres. But if you neglect this opportunity, how much better off are you; what have you gained? You must reflect upon the future.

We wish you to understand distinctly that we make no promises, but we have agreed to do what we can to give your young men a start. We go out on the prairies and see a large extent of territory unoccupied and ask, "Who owns this?" and the answer is, "No one." We look at the records and find it is true. Now, when you have taken allotments you know as well as we do that no earthly power can take them from you.

You often wonder why the white men are rich, and I will give you one reason. They are under the protection of the laws, so that when the head of a family dies the property goes to the children; when the children die it goes to the family. As you are living now, when one dies without having taken an allotment there is so much thrown away; while under the proposed arrangement the property of deceased persons will go to the family. It is that system among the whites which has enabled them to build railroads, ships, and palaces. Twenty-two years ago, when you acquired this reservation, if the laws had been extended over you, you would have been in a very different position to-day. Now, your decision should not depend on the disposition made of a few pine trees or a few acres of prairie or swamp, but you should remember that this arrangement will give you the same status as the white man.

It has been the object of your friends to give you permanent homes, and that is the desire actuating us in coming to see you.

Commissioner WHITING. My friends, you ask how those who take allotments shall live when they are first placed upon them. Do you believe it possible that the Government would do so hard a thing as to send you out on allotments and not provide some means for subsistence? I should be ashamed to have the Government do so. While I can not commit my honorable associates and do not myself know just how it will be done, I believe the Great Father means to be just to you, and it would be a monstrous injustice to bring Indians across the country and put them on allotments with no means of subsistence open to them. I know it will not be done.

Council then adjourned until July 26.

EIGHTH COUNCIL AT WHITE EARTH.

JULY 26, 1889.

WOB-ON-AH-QUOD. On account of sickness, for which I blame no one, it is hard for me to fulfill the task allotted me. I am sick because of age and the hard work necessary to support myself. As I have been selected speaker, I will call upon the different chiefs, so that each person's views may become known.

My thoughts to-day are somewhat confused, but I shall try to be explicit. Two of our number were selected because they could read and write to explain the matters set before us and present in writing the questions we wished answered, so we might understand the whole thing. They have completed their task, and I thought that when they had we should all understand it. But one question after another comes up, and we do not like to commit ourselves until we comprehend the whole matter. We do not wish forced on us what we are not prepared to accept, as we might find it harmful rather than beneficial. What we are afraid of is this: The white man's law, when enacted, must be enforced. Ignorance of law excuses no man under the statute, and if we owe any debt our whole property might be taken to liquidate it, when all we could expect would be a kick from our premises, and we would be left as paupers.

Another thing that has been under consideration is that we do not want to be brought within the limits of the neighboring county, as we would then have to submit to all that that county should put upon us. We wish to know if we can not have a county of our own.

CHARLES WRIGHT. In regard to what has been said by my father, the chief, I would say that, as I understand it, we have under this bill twenty-five years in which we are not taxed for our land. Am I correct in my understanding?

Mr. RICE. You are correct in what you say.

JOSEPH CHARETTE. In all our ten days' counseling we have heard the bill read and interpreted only once. I would say that it is not proper that a child should take precedence of an old man who has had experience in council like these.

We have been here twenty-two years, and I find the Indians make slow progress in knowledge, and I am fearful of their getting under the law before they are fully prepared for it. In proof of what I say about the probability of the Indians not becoming sufficiently educated in twenty-five years to understand the law, I would respectfully refer to Rev. Mr. Peake, who has been among them many years. I think this thing should be done gradually.

JOHN JOHNSON. I have lived with these chiefs a long time. When they have been in poverty I have been in poverty. I wish to say that I understand all the explanations made, and I think that what the honorable commissioners have submitted should receive consideration.

Under a past arrangement the head of a family was to receive so much and three other classes each so much. Now the honorable commissioners tell us that each man, woman, and child will get 160 acres, and that if a person selects pasture he shall have additional land, and this benefit is promised to our wives also and your child and grandchild. Was there ever a more liberal offer made to the Indians than is now made to you? Is it possible that we shall let this opportunity slip? We will make a fatal mistake if we allow this matter to pass. My friends, I have been your temporal as well as spiritual adviser, and I have always advised you for your good. I do not know how you view me now, but I am going to take my grandchildren and bring them before the commissioners and sign this agreement in token of my understanding that this is for their future welfare.

CHARLES WRIGHT. A good man need not be afraid of the law; a man who is a criminal is the only one who should be in fear of the law. Will the commissioners please explain to the Indians what would be the benefits to them in having the laws extended over them?

Mr. RICE. There are, as you know, many foreigners arriving in this country every year. They are no more enlightened, many of them, than yourselves. Some of them are men of bad character, who leave their homes to escape punishment.

Extending the law over you takes the place of the gun and the knife. I was never more impressed with the importance of extending the law over you than when at Red Lake. I was never more convinced of your capability for administering law or of the honesty with which you would govern yourselves. At Red Lake one man shot another and the agent had him arrested. He called a jury to try the prisoner, every member of which was an Indian. The jury very carefully and intelligently commenced by examining the ground where the shooting took place. They then heard the testimony for and against the prisoner and deliberated many hours. Their verdict would have done credit to the most enlightened people among the whites. You all remember the time when there was no law among you. When the man who committed this offense would have been killed and a feud would have been handed down among the Chippewas. As Rev. Mr. Wright has just remarked, the law was made for criminals. It was made not only to punish criminals, but to defend the innocent. There will be no laws over you save such as are beneficial to your people.

Your lands can not be taken from you nor your farming implements, even for debt, but if a man commits an offense upon your persons or property he will be punished. Your land can not be taxed, because the President holds this land in trust for you. We have talked the matter over among ourselves, with your agent, and some of your intelligent and educated mixed-bloods, and we are all of the opinion that you should have a county of your own, in which case you will be represented in the legislature by those you will choose, when, if any law against your interests is proposed, you will have an opportunity to be heard.

It is within the memory of all your old and middle-aged men when the blacks were all slaves (and I see some here who fought to give them liberty). It seemed to me at that time that they were at least a hundred years behind you in intelligence. They were so ignorant that many thought setting them free would be their destruction. They were not allowed to have the least voice in their own affairs. They were liberated and the laws extended over them. What has been the result? They have since reached the highest positions and now help to make the laws of the country.

I can conceive of no case where an innocent man would suffer by coming under the law, but I can perceive the benefits to him on being placed under the law's protection. No people have made progress since Christianity was founded without the protection of the law. This is no experiment; it has been tried all over the civilized world, among the colored people of the South, as I have said, and for years among the Indians of the Southwest. When this is done, if you wish to be heard in Washington all you will have to do will be to send your representative there and his rights will be respected. It does not interfere with your persons, your property, or your religion, but leaves you as free as now. It is natural that you should have some fears, but I assure you most seriously that they are not well founded. If a white man crosses your border or takes your property, even outside of the reservation, the law restores it to you and punishes him. We have discussed this matter at length and can see no way in which your persons or your property can be jeopardized, while the benefits to you will be immeasurable.

WOB-ON-AH-QUOD. Have you agreed that we should leave a county by ourselves?

Mr. RICE. That is what we hope and think will be done.

WOB-ON-AH-QUOD. How do you propose to allot lands; how much to each individual?

Mr. RICE. Our duty under instructions is to allot to each individual, each man, woman, and child, 160 acres, with good title, so that when one dies after having taken such an allotment the property will go the family.

There is no another clause in the treaty providing that a person who takes an allotment of grazing land shall have a double allotment. Now, I must say to you frankly that cases may arise which will perplex us. Not that we shall not have an opinion, but these cases may be so numerous that we shall have to submit them to Washington.

You know that you can take a farm which would be good for cultivation and also for grazing. Before we can act under that clause we shall have to refer the matter to the authorities at Washington, and we trust that you will remember that we have made no promises.

JOHN H. BEAULIEU. Can we have a county by ourselves, even if both Becker and Norman counties should claim this land as within their borders?

PAUL H. BEAULIEU. There is within the State of Minnesota no power to extend the county laws over this reservation, because its status is like that of the District of Columbia.

JOHN H. BEAULIEU. Last fall Becker County appointed an assessor under the authority of the Dawes bill to come up here and take down what we had and assess our property. George Uran was the assessor appointed. He would not accept it, and they had to drop it. He was afraid the Indians would brain him.

PAUL H. BEAULIEU. Mr. Morgan now has a bill before Congress for the benefit of all reservations, to bring them under the law gradually, in compliance with the Dawes bill. If they have the power to enact laws in conflict with the Dawes bill, they have the power to recommend that this district shall be laid aside as a separate county.

Mr. RICE. As to that you need not have the least apprehension.

CLEMENT H. BEAULIEU, sr. We have not enough meadow to go around, and the Indians are even now disputing about it.

JOHN JOHNSON. There is nothing dearer to an old woman than her sugar bush, and they say they will take part of their allotment to include the sugar bush, but what protection will the old women have when a lot of men go and mark that land in their own names?

Mr. RICE. Those matters will have to be settled hereafter. You need not think that you will escape all responsibility, because when these questions come up you will have to help decide them.

WOB-ON-AH-QUOD. In some matters I am a perfect slave of my fellow-citizens—I mean also those I call my sons-in-law, the whites who are intermarried—they always coerce me into it. I do not wish in my remarks to refer to the places that all these people are occupying and cultivating as their farms. We do not know who the persons are who are going all through the country selecting the very best places and best pieces of land, but we are certain it is not the Indians who are doing it. If we decide to accept this arrangement, would it not be fair to let the Indians, the original owners, have the first selection of allotments? I do not mean the land already taken, but under this new selection.

Mr. RICE. There will have to be a rule adopted as to that, for it will not do to have the question left open so that "grabbing" will be the order of the day. We will give our views to the Department at Washington, and request instructions.

JOSEPH CHARETTE. There is a man who has no right here, and we do not wish such to be here and be the source of trouble to us in the "land grab" matter. That man must prove his rights, and we can be guided only by the office files and the names contained in it, which will show who has a right here. We mention this so we shall not be cramped in our selections or deprived of the benefits of the reservation. This is a source of great trouble among the Indians; that he never can be protected from encroachments on our property.

Mr. RICE. You are wise to take precautions, and all cases which can not be settled by us and you we shall refer to Washington.

WOB-ON-AH-QUOD. I would say, in reference to the commissioners' comfort, that we do not wish to keep them from dinner.

Mr. RICE. We are obliged for your consideration, and our colleague, the disbursing agent, will show the same consideration for you.

Commissioner WHITING. When you talk business, I shall hunt moose.

Council then adjourned.

AFTERNOON SESSION.

WOB-ON-AH-QUOD. I must apologize to the commissioners for my delay, but my timepiece stopped just before 2 o'clock.

The question now is, how much would be taken off our reservation? At the time the Government decided the reservation should be changed it took our reservation, the one we occupied on the Mississippi River. It made reservations for us in a different direction; that is, in the Leech Lake country, toward the junction of the Leech and Winnebagoshish lakes and the Mississippi River. We have understood what has been said by the commission as to how we held this reservation; that there was a "working clause" under which no one would be entitled to land until he had performed work on the allotment taken; and that is the very reason we have been urging and urging our young men to comply with that working clause. We thought, and still think, that there is a sufficiency of land put into the pool by us, taking the whole of the reservations established heretofore for us on the headwaters of the Mississippi, and that is why we believe this reservation should be kept intact.

We now wish to understand what portion of this reservation the commissioners think best to cut off, and why it should be done. When we come to that understanding, we see no impediment to an agreement, and hope everything will run smoothly. We value highly the words uttered by the chairman of the commission and assented to by his associates, that nothing should be left which would in the future cause trouble. We are obliged to you for uttering those words.

Mr. RICE. After making inquiries at the office here and of others in regard to your pine lands, we have concluded that it is best that you should dispose of four townships. We at first thought that it should be six townships, but upon ascertaining

how the pine lies, your improvements, and the facilities for getting down your rivers, we decided that four townships could be well spared.

Many years ago the pine lands in Wisconsin were given in allotments to the Indians, who sold the pine to the white men. Their pine is gone. The land they have remaining is not suitable for farming, so they are now poor, and some of them are even now trying to get permission to come to your reservation. You will all remember that it is but a few years when a great deal of trouble was taken to save your pine in the north. It cost you many sleepless nights. If that plan had succeeded every good tree you had would have disappeared by this time and you would not have had a dollar left for the whole of it. You know the friends who saved that for you, and you know that to-day the pine is worth many hundreds of thousands of dollars. Wherever there is a pine forest belonging to the Indians it is now, and always has been, and always will be a source of endless trouble. It is only a few years since the Department had to send to the Lake of the Woods for a man who was acting in the interest of a lumbering party, take him down to St. Paul, and keep him in prison for a year.

There is another reason. You all know that your pines are burning. At Red Lake we counted at the same moment nine places were it was on fire. Every year the number of fires will increase. Every tree now burned is your loss; after it is sold, every tree burned is the loss of the white men. Your trees are being stolen and burned, and so growing less valuable to you every year, resulting eventually in your getting nothing for them. Your pine is already surveyed, can be soon examined and sold, and the money put into the Treasury for your benefit. This arrangement is not only to relieve your minds of all trouble and care on this account, but to furnish a fund to assist you in your legitimate business of farming. I hope these reasons are satisfactory to you.

WOB-ON-AH-QUOD. Is it the policy of the Government to cut off a portion of each reservation?

Mr. RICE. It is not the policy of the Government to reduce the size of any reservation which is necessary for your future, or beyond what is required for your good. You may think it hard that we do not yield in giving you some things you want. Should we do so, and it should appear in the future that we were wrong in yielding, and that you were wrong in asking it, although it was at your request, you would throw the blame upon us. There are some things we can see which it is not supposed that you can. When the allotments of pine lands in Wisconsin, of which I have spoken, were asked for, it was not seen that harm could come of granting the request, but it was found, to the sorrow of the Indians, that harm did come of it. It is our duty to point out the evils which would arise should we yield to you in these minor matters. It would be better that we should leave a hornet's nest in every man's hat than to leave your pine in its present situation.

JOSEPH CHARETTE. The reservation on the Mississippi, which contains a large pinery, belongs to the Chippewas of the Mississippi, and the question is, if it is not better, when a man has two yoke of cattle, to dispose of one of them at a time? That is the light in which we look upon this matter.

Bishop MARTY. If that yoke of cattle gives him a deal of trouble, he had better sell it when he can get a good price. Mr. Rice, who has had 42 years' experience among you, has explained that if more pine is reserved than is needed for your use, it will be only a source of trouble, and that the more pine sold the larger will be your receipts from it.

It was said yesterday that you were anxious to have your young men take up lands and cultivate them. If you sell the pine you do not need you will obtain the means to improve your farms. There will in any event be pine enough reserved for your use for all future time. The pine sold is not lost to you, but is so much gained. The sooner it is sold the sooner you will escape the miserable condition in which some of you now are. You will then not be dependent upon the snake root. You will have money of your own, which can not, like the pine, be burned or otherwise taken from you.

WOB-ON-AH-QUOD. When you visit the other reservations occupied by the Chippewas of the Mississippi, if they should say to you that the White Earth Reservation belongs to us in common, what answer will you make to them? If you want to cut off a portion of this reservation, your answer will naturally be, "We have given the people of White Earth Reservation what we thought was a sufficiency for their use; we have cut off a portion because we did not think they needed it."

Mr. RICE. The answer will be an easy one. Three years ago they refused to come here. They have always refused, and even treated the commissioners' proposition with indifference. They said that that was their reservation, and that this was yours. Their words were regarded in Washington, and they will be permitted to remain

there. It is considered by every one that what you do regarding this reservation is final, and we do not apprehend any difficulty about their signing. The Great Father has taken them at their word.

WOB-ON-AH-QUOD. As we now know Mr. Rice to be our friend, three years ago we knew Bishop Whipple to be our friend. The same strain of language was uttered by the commission of three years ago. They put a paper before us stating that the Indians of Red Lake, White Earth, and all the Indians in the State should be consolidated into one band and removed to this place, and that we should all eat out of the same dish. At that time I uttered these words: "I shall not touch the pen for any consideration, ceding lands which I have no right to cede; and I have no right to cede any of the Red Lake lands." Bishop Whipple told me that "if the Red Lake Indians did not comply with the terms set before them, all the Indians of the State should be consolidated. This agreement we have made with you is null and void."

They went to Red Lake, and the Red Lake Indians entered into a different arrangement, ignoring the agreement we made to consolidate the Indians here. The Red Lake Indians would not agree to the consolidation. When those commissioners returned here we expected to meet them again, but they did not remain here to tell us that the Red Lake Indians would not agree to the arrangement made here. The arrangement entered into between us here with the Northwest commission was taken from band to band and fixed in such a way, a little here and a little there, that before they got through the whole thing was in a state of chaos. And still they took that arrangement and consolidated only a few, where they could get signatures. That is why I am so anxious about this arrangement, not that I think there was any weakness in the Northwest commission—far from it—but it is only to guard against what might happen. I only wish that, should this compact not be entered into by those on other reservations, the whole thing should be understood before going to the Great Father.

Mr. RICE. To avoid all complications we concluded to go to Red Lake first, resolving that if we did not succeed there we would hold no other council, but go home. We explained patiently everything they did not understand and to their entire satisfaction. There was no haste about it, and we waited until they came to a conclusion. We had no private councils, everything was done publicly, and we thought we were coming down here in a strong position. When we first arrived we sent for some of the Mille Lac Indians, but we do not know yet what the prospect of our seeing them is. We have not and shall not make any promises, but if you wish to reject this treaty we shall not go to Mille Lac nor to White Oak Point nor to Lake Superior, but we shall go home. We do hope that you will be united one way or the other, as we do not wish to leave you divided.

WOB-ON-AH-QUOD. It is with delight that we look back upon the character of these negotiations. They have been pleasant throughout. You have not hurried us in the least in all our deliberations, but have been very patient in answering all questions which would lead to our enlightenment.

It was very different three years ago. Matters were hurried so that a great many things we could have settled then were allowod to slip through our fingers. But you have advised us in every manner, shape, and form, so that it has been impossible to misunderstand the best way in which to lead our young men to progress and prosperity.

Now, young men who are listening to these deliberations, you may think we are foolish to ask all these questions, but it is for your benefit, and you should be constant in your attendance here, so as to profit by the counsel of the commissioners. We have now arrived at the point we desired. The commissioners have put explanations in simple language so we might understand. We are aware that they were appointed to negotiate with us, and how can we help having the most explicit confidence in them? Everything they have promised they have fulfilled, leaving nothing to mar our insight into the propositions. If there is anything not definitely understood you may now ask the commissioners about it.

Mr. RICE. After we get through we will have to take a census, and we wish as many of you as possible to be present so you can see there is no mistake made. We shall leave a copy of the census with White Cloud, so that you can always inspect it. This is the most important census ever taken, and it will require some days to get through with it.

WOB-ON-AH-QUOD. Is the one-fourth of the $90,000 mentioned in the bill which is to be devoted to the schools to be divided pro rata over all the reservations?

Mr. RICE. The language of the act shows how it is to be expended.

WOB-ON-AH-QUOD. How many Indians are there at Red Lake and beyond?

Mr. RICE. I think the number on the rolls at Red Lake is less than 1,200. We have the record in our office.

WOB-ON-AH-QUOD. Can you tell the number of men at Red Lake?

PAUL H. BEAULIEU. Two hundred and seventy-eight.

WOB-ON-AH-QUOD. We understand that all the expenses incurred for surveys and everything of that kind pertaining to this negotiation is to be paid by all the Chippewas.

Mr. RICE. That is to come out of the general fund, but not at first.

WOB-ON-AH-QUOD. We wish to understand it thoroughly on account of the status of our fellow Indians who are upon other reservations. You have stated to us that the sum of $3,000,000 would be considered as a permanent fund. At what time shall we begin to pay what we owe on account of the expenses of this arrangement, the surveys, examinations, and everything of that kind?

Mr. RICE. The bill reads that those expenses shall be paid when the fund reaches an amount in excess of $3,000,000 sufficient for that purpose. When the principal reaches that sum, the $90,000 payment ceases. Until then you are to have the $90,000 every year, and the interest that has accummulated in the Treasury. When the fund amounts to $3,000,000, the settlement takes place, and from the best information obtainable we expect the amount will far exceed $3,000,000.

AFTERNOON SESSION.

WOB-ON-AH-QUOD. It is pretty hard work for me to attend this council, as my health is poor, and it is only the magnitude of the interests which induces me to come. I wish to ask again a question about the schools. There is now a sum due us for the maintenance of schools; what is to become of that fund?

Mr. RICE. This arrangement is entirely separate, and will have nothing to do with the old one regarding the schools.

WOB-ON-AH-QUOD. Most of our people understand now about the allotment of land and the payments in accordance with the revenue from the sales of the land. I wish to say that the method of the Government is to send inspectors here, but all they do is to inspect inside of the office; but they are generally unacquainted as to the workings of the agency outside. The difficulty with the Indians is lack of means. You mentioned the other day that you had been on the prairie and seen lots of land in its wild state. We know that it is so, and the cause is that the Indian is destitute of means to carry on his farming operations. Sometimes the very thing that he has planted will go to ruin because the Indians have not the implements to harvest the crop. Sometimes the Indian harvests his grain, puts it into shocks or stacks, and asks for a thrashing machine, but there are so many of us on the reservation in different parts of it that our wishes can not be complied with, and we have to wait day after day until the grain is ruined. Why is this? It is because the Indian has not the means to get any one to thrash for him. I once invited an inspector to go along and see the condition of the fields and observe how the Indian was getting along in his farming operations. He said he would go, but he changed his mind very suddenly, and made us no visit except in the office. Sometimes our crops are ruined by a cyclone or hail or otherwise, and we ask that in pity a few grains be given us; but the agent generally tells us that it has been applied for and is intended for those who can not help themselves, those who are not far advanced. We finally discover that the seed grain is to be divided among us in common; among all the members of the reservation. Those who can talk the best get the seed grain first, and many is the time the Indian who has no cattle, but who through his energy has got a little land plowed, receives no seed, while those who do not need it get it all. That has happened many times, and is why some of us have been kept back.

We do not blame the Indian agent for these methods, but when there is anything issued, who gets it? It is issued to our sons-in-law instead of going to the Indians. I mean the whites who were intermarried with our families. They are the ones who can ask most readily. They have no hesitation in asking, and we find those things are given to those who are most persevering in begging; those are our sons-in-law. While we are waiting for this arrangement to be completed the best part of the land to be allotted is all marked out. Who marks it out? It is those who are so solicitous for their own interests and those who have more foresight than we. Now, who ought to have the preference? Is it not the Indian who originially owned the soil? He ought to come first and others afterwards. That is the way we view it. I am laying these facts before the commissioners in the presence of the agent, as we have heard that he was a man so partial to justice, and it is mentioned as a safeguard for us. I mention it for the protection of the poor and destitute Indians.

Those who are intermarried among us take advantage of the Indian, and in time, if there is no strong protection thrown around the Indian, after he has taken land, the others are just selfish enough to put the Indian at one side and say the claims are theirs.

Everything in the act has been so well explained, it looks so fair and plausible, that we are favorably disposed toward it, and are merely throwing out these suggestions as safeguards, so that justice will be done to those who are poor, needy, and ignorant, and so that no advantage shall be taken by those who have superior knowledge and education. It is not inclination, but want of means, which keeps many here in poverty, while others around are progressing. We implore you to help us in this matter of getting Congress to appropriate the money which is justly due us. We make the same request in relation to what is due to us on account of the damages caused by the overflows at the headwaters of the Mississippi. We are anxious to get those sums. It will not be squandered, but will be used to help our progress, and you will be justified in asking for the money for us because you are well acquainted with our condition. We have submitted this question to you, Mr. Rice, many times, regarding those arrearages, and told you we had not received a single cent of the amount. We did not know what the amount was, but you kindly informed us that the money was still in the Treasury of the United States. You told us the amount of it, and we are very much obliged to you for doing so.

If I was a young man, and had the advantages now thrown open to these young men through the sale of the lands, I should actually overflow with joy, and should certainly profit by the opportunities now offered. I wish every one to be impressed by the advantages offered in the bill, and with the kind consideration shown by the commissioners. There is only one thing we always fear, and that is that after we have entered into an arrangement of this kind, something springs up so that the agreement remains in part unfulfilled, which is why we are so suspicious of these affairs. It is the duty of the leaders of the bands here to tell their young men in what light they view this bill.

JOSEPH CHARETTE. At what time do you suppose we shall realize any benefits from this bill? Do you think it will be soon? We would like to know what amount of money in your opinion will be received per capita the first year, in accordance with the data which you have.

MR. RICE. When these papers are executed and approved by the President, we think you have complied with the conditions, and that the $90,000 will then be ready to be sent. As near as we can ascertain from the census, each man, woman, and child will be entitled to $9 out of the $90,000. Of course the interest money paid will, as to its amount, depend entirely on the extent of the sales.

JOSEPH CHARETTE. If nothing happens it is to be expected that the Indians will augment in numbers, and that the additional ones will also receive the benefits of this bill.

MR. RICE. That is one good feature of the act, that its benefits shall be equal.

O-JIB-WAY. When the young men have taken allotments they will be on them without implements, and the Government ought to furnish means to work the land. We wish to have cattle and agricultural implements.

ME-ZHAKE-GE-SHIG then addressed the Indians.

JOSEPH CHARETTE. Men of this reservation, I am about to do something for your benefit. If I did it alone, without being assured of your support, I should feel weak, but I hope that my example will be followed by all those pertaining to my band.

WOB-ON-AH-QUOD then addressed the Indians.

ME-ZHAKE-GE-SHIG. The time has now arrived when every one understands what he is about to do. I wish to say that whenever we have heretofore made agreements with the Government, that the sum we were to receive has been diminished from some cause. I mention this only to show what has transpired in the past. The chiefs have to bear the brunt of this, when what was understood by the young men was not fulfilled.

In time to come, many years from now, I shall mention twenty years, because I intend to live twenty years, and don't let my young men forget it, we shall be glad this arrangement was made. Our missionaries tell us that whenever we have committed any act for which we are sorry, to get down on our knees and implore the pardon of the Master of Life. It may be that at some future time I shall have to ask pardon for not understanding this act better, but I hope that time will never come. [Shaking hands with the chairman]. I am afraid that I shall not see the fifty years pass, but I shall try to see the twenty.

MUCK-KUCK-EENCE. I am the successor of the chief Fine-day. That church over there stands as a monument to his ability, together with Mr. Johnson's, as they are the men who obtained the subscriptions.

WOB-ON-AH-QUOD. We have come to an honorable conclusion. We wish you all to think over this matter and follow the example of the chiefs, because we think it is for the good of all. The time has come when you are left to act for yourselves. Young men, exercise your judgment. The white man is withdrawing his guardianship over you, and you must carry out the policy of the Government in that respect. Who-

ever is not improvident shall be benefited by this agreement. I should like to have two copies of this agreement left here, as I should like to have one, so that I may keep it in mind.

Mr. RICE. We shall have copies enough sent here, so that the chiefs and others may all see it.

JOHN JOHNSON. We can not say that we are extremely happy in this action of ours, but still we consider that it is imperative. It is but a short time since the Government was not as strong as now. What marred its success was wiped out by the war of the rebellion. At the time the American Government found it had to fight against its subjects to carry out its principles, many were led to subscribe to the cause because the question was, to die or to conquer. We sign our names to-day with a similar feeling. We sign this agreement to conquer poverty by our exertions. We crave your help; we implore your aid. We pray that you will place before the Government of the United States our true situation. We do not wish to be thrown aside, nor have the protectorate of the Government withdrawn, because the time is not ripe for it. We crave your assistance, with your aid and protection and advice we shall certainly make progress. We crave also this special favor at your hands, that you demand leniency from the Government in our favor. They must not precipitate action on our part, thinking that we move too slowly. We promise cooperation so far as our strength and understanding permit. We crave and beg that you will help us in our efforts.

Mr. RICE. Our assistance will be cheerfully given.

NEEE-KE-GWON. I am one of the leading chiefs of this reservation, and wish to know whether the signatures are in compliance with law and whether the provisions of the law will be carried out in accordance with the explanations?

Mr. RICE. They will be.

The names of the chiefs and other male adults upon the rolls were called, each one stepping forward as his name was called and signing the agreement.

The chairman read a letter from Mary A. Sloan, asking to be included in the census, and inquired if she should be placed upon the rolls.

ME-ZHAKE-GE-SHIG. We can not deprive her of her rights, as she is a member of the bands of the Chippewas of the Mississippi.

PAUL H. BEAULIEU. We wish to know whether it is proper to receive signatures by proxy.

Mr. RICE. If the proxies are authorized to sign, and the chiefs say that it is right.

AH-BE-TWAY-WE-DUNG. I wish to say before signing that of the little annuity money sent here every year there is always something lost.

JOSEPH CHARETTE. We wish to ask this question: If there is a mixed-blood who has real estate outside of the reservation, has he a right to have his name placed upon the roll?

Mr. RICE. That is a matter for decision among yourselves. We shall put no one on the roll to whom you object. Every person, of course, who appeals to Washington will have his rights properly adjusted.

WON-ON-AH-QUOD. It is decided that Joseph Woodbury should not be excluded, as his father, Hole-in-the-day, was one of the chiefs.

JOSEPH CHARETTE. We wish to inquire how long the shops will remain closed. We have not money enough to run them for a while yet.

Mr. RICE. The shops that are now here?

PAUL H. BEAULIEU. Yes, sir.

JOSEPH CHARETTE. The Great Father shut up the shops and everything we have here tending toward our advancement, which has put us in a bad predicament. Can not these shops be continued now? It would certainly strike the Indians very unfavorably if the shops were taken away before we had the means to pay for anything. We certainly need blacksmith and carpenter shops. We beg that you will lay this matter before the proper authorities in Washington.

Mr. RICE. Your blacksmiths, carpenters, farmers, and police are all now paid by the Government. The money is sent as a donation from the Government, as well as that which is spent in the maintenance of your schools and the provision made for your sick and needy. Your agent informs me that the money for these purposes has been appropriated for the coming year. We will endeavor to see that these appropriations are continued until you have an ample fund of your own.

WON-ON-AH-QUOD. I wish to say a few words, as all those present who can sign have done so. It is a source of congratulation for the Indians that we have come to such a favorable understanding; that we have accepted your propositions, and that we accept them so understandingly.

As the time approaches for the work under this act to commence, we are afraid that there are some directions in which our new father, the agent who has lately come

among us, can not meet the wants of our people by reason of the limited means at his command. There are yet some funds due us as proceeds of the stumpage. It is quite a long time ago that I asked the late agent about that money. He told me that money was there yet and that it had not been spent. I can not tell the exact amount to our credit on that account, but I should think from what I heard the agent say that it does not amount to far from $5,000; it may be upward of that sum. So in case our father should be at a loss in trying to get something for us in other directions, as we are in poor circumstances at present, if he should be called upon by us to alleviate our wants, I think he could do it by having recourse to the stumpage fund. It is true the old agent is not here, but his clerk is, and of course they must know how much stumpage money there is on hand. We are very short of provisions now on account of losing our crops last fall by frost.

B. P. Shuler. I am glad you have brought this matter up. I have not looked the books over in the office to see what amount of funds there is, but I presume they will show the amount of the stumpage fund. Should the necessity arise, I would not hesitate a moment to apply to the Department for the right to expend any portion of that fund or the whole of it for your benefit. This is as far as I can go, as my application to the Department might be denied, which would not be my fault.

I have already, since coming here, applied to the Department for 50,000 feet of lumber for your school and other buildings. Further than that, I have asked the Department to have cut this winter for your benefit on this reservation a million feet of lumber. I had two objects in making this last request. One was to give your young men employment next winter; the other was to see if I could not have better homes for you than I now see some of the Indians living in. I can ask for these things with as good grace as any man, and the Government can only grant or refuse them.

I intended to say a few words to you before the councils were ended, and I may as well say them now. I wanted to thank you for your genteel and pleasant manners while taking part in these councils. Your conduct during these deliberations has been equal in dignity to that of any body of men in any country. I have been watching you, as your agent, very closely to see that you made no mistakes, but the manner in which you have in detail examined the measure proposed convinces me that you need no watching.

Now, I want to say to you that when these councils terminate I would like to see your young men go home and go to harvesting their crops so as to save them. There are probably many among you who have no facilities for making hay or taking care of your crops, and I would like to see you all exhibit a generous spirit toward each other, and assist those who have not the means of taking care of themselves. Push them along and get them to the front. I want to see you lay aside enough for a year's supply for yourselves and your cattle. You must remember one thing—that in industry lies your prosperity.

When the schools open I should like to see all of you who possibly can get their children to school and have them educated. It will be a great help to your children, and will prepare them to fight the battles of life. I will make no promises as to what I shall be able to do for you, further than to say that you shall have assistance as far as I can give it to you consistently with my duty to the Government and to myself.

Nes-ke-we-gah-bowe (addressing Major Shuler). While you are speaking, I would suggest that the road from here to Red Lake is a very bad one, so that I have to get my wagon repaired every week in carrying the mail. If you can take a hint, you can take that one.

B. P. Shuler. I know it is a very bad road. I have been over it myself, and so I can bear out that statement.

Council then adjourned until July 29.

NINTH COUNCIL AT WHITE EARTH.

July 29, 1889.

Wom-ox-ah-gwon. I wish to say a few words relative to the benefits to be derived from this agreement between the Government and the Indians. Here is an illustration of the truth of one thing that was told us. There is one who will be buried to-day and who will lose his inheritance because he was not included in this agreement only (referring to his grandchild). The Master of Life gave us that child. The Master of Life has taken that child away again. Although I am weak with sorrow, still I have strength to say a few words. I wish the indulgence of the honorable commissioners until this afternoon. I wish then to have this hall filled with my young men, so that I can give them my last advice relative to this agreement. I wish to point out to the chiefs and young men the necessity of having their affairs in a settled condition, because while we are in life we are in death also. We can not tell

when we will be called away. I wish to impress upon my people the fact that age advances gradually on all of us. There are many of us who have passed middle age and are coming toward our end, and we should remember the necessity of making such arrangements that we can leave an inheritance for those coming after us.

I wish to state in open council that all the explanations given us by our friend Mr. Rice and his associates have delighted us, as they have been so plain that we could not fail to understand them, and I wish to express the thanks of our bands for those explanations.

One thing said by the commissioners was this: That they did not wish anything left unsettled, which might lead to future misunderstandings. There are two things I thought best to ask, and one of them especially might lead us into some trouble in the future. The Red Lake Indians have furnished a great amount of means to enable the Indians to all eat out of the same dish. We consented to have a township set apart for their use on our reservation. They are now occupying that piece of land.

An arrangement has been made with Red Lake Indians, which includes the Pembinas, but we fear that the Pembinas do not care to go up to Red Lake, and we wish to know if they will participate in the common fund, and not remove to Red Lake but remain here. They will take their lands here on the township ceded to them. If they want to participate with us, as they have nothing to put in the pool, where are the funds coming from to make their share of the pool? We as a tribe consolidated all our means, no matter where the Indians were located on other reservations. But the agreement with the Red Lake Indians is that no others can go there, and if they have an overplus of lands which they wish to dispose of in the future, they will have the sole benefit of the sale of those lands, which will not go into the pool.

But there is another thing which has always troubled us. When we removed to this reservation there was a stipulation made by which we were paid six months after the removal.

But we now open our reservation to all those who have a right to come, which is the understanding with which we sign. Our understanding was that we opened it to Indians as well as mixed bloods belonging to our bands and being related to us; but come to find out, we are opening the reservation to the whites also.

There are a great many Indians who will remove here because they are destitute of means and because they will be free from taxes. The whites sell their property and come here to exempt themselves from taxation, and they are the ones who are so selfish that they want everything they see. We have always ignored that in the past, but we thought we would ask any commission that had the power to redress our wrongs. Any man who wanted to come here did so, depriving us of our rights and robbing us, selling the property he had before he came.

We have no objections to anyone signing who has a right to do so, but we do not wish any white man to sign, either for himself or his children. If he is a white man he has no right here. The white men have a great many children; they are prolific. There ought to be a line drawn somewhere, and it should be drawn while the honorable commissioners are here. That line ought to be specific, so that we can guard against all these things; otherwise there is left too wide a margin for these people to enter. Those who are here, and who have made it their home with us before this arrangement was perfected, we wish to retain, but now there will be no end to emigration into this country by those claiming relationship with us, until there will be nothing left to support the flock of people who will arrive. We protest against any one coming here after this arrangement is made and the rolls are taken. There will be a great many coming here to marry into our tribe just for the purpose of picking out the choice pieces of land.

Mr. RICE. As we have told you, no one will be permitted to settle here to whom you object. We have seen enough since coming to satisfy us that we can not be too careful in that matter. Should we come here, as we expect to, to make the allotments, no one shall receive an allotment without your consent. We shall not open the door to such people, nor will we assist others to do so.

We know that you have had considerable trouble owing to the interference of the whites. We have seen enough to convince us that the intervention of the agents in affairs which appertain exclusively to yourselves has given much trouble. There are many matters which should have been submitted to you which others have taken it upon themselves to determine. We are in favor of your being consulted in this and all other matters pertaining to your welfare. We were informed that trouble has already arisen in consequence of the agents taking it upon themselves to say who should and who should not have allotments.

There are many things we have not had time to explain to you, and this is one of them, but after this arrangement is consummated the courts will be open to you as well as others. Those who have no rights here, no matter how long ago they came

or what their improvements are, can be put off. We have consulted about this matter, and have determined to stand by you. We are, of course, not going to disturb any decision you have made on this subject.

Regarding the Pembinas, who belong with the Red Lake Indians, although settled here, I suppose their annuities will be paid here. Since we arrived a messenger has come to us from Red Lake to object to a few whom they allowed to be put upon the roll while we were there. I mention this to show that they now comprehend the position in which they are and the power they have.

I will say to White Cloud (Wob-on-ah-quod) that our hearts are heavy with sympathy for him in the bereavement of which he has spoken. But do what we may, we can not stay the footsteps of the Master of Life.

JOSEPH CHARETTE. I wish to say that liquor and intoxicating beverages have always been considered a bane to the Indian, and as something which should be forbidden to be brought amongst us. It has been alluded to but slightly in these councils.

We lay the matter before the honorable commissioners so that this one great object will not be lost sight of, so that the laws protecting the reservation from the liquor traffic will be enforced, and so that you will recommend that the laws be kept in force. And also that you may recommend that no one who is employed in the service of the Government should be allowed to use any intoxicating liquor, on account of the baneful example.

The agents have been very backward in reporting any cases of inebriety among their employés. You can see how far that tendency among them has gone, when I mention that even the men in whose hands our lives are when we are ill—even those who come here to treat our children in sickness—are inveterate drunkards, and are finally removed because they are insane from drink. Are our lives safe in such hands?

The Indian agents sometimes employ men whom they know are addicted to liquor drinking. It is about time that this matter was corrected, because it is injurious to our people. If a man who is employed in the service of the Government becomes inebriated, he should be punished, at least as an example before others.

While there is a law that Indians living here should be given a preference in the matter of employment under the Government, that should be enforced. We do not allude to anything that the Indians are incapable of doing. Of course if an Indian employé should be guilty of an infraction of the laws he should not be excused because he is an Indian. Also, if a trader should be known to use liquor or to bring it upon the reservation, he should be punished. I hope my few remarks are thought worthy of your consideration, because we deem the subject important.

Mr. RICE. The remarks just made are worthy of the greatest consideration. Your present agent has been one of the leaders of the temperance movement in the legislature. He never drinks a drop of liquor or has any in his possession, and he would be very severe upon anyone on the reservation who broke the liquor laws, no matter whom he might be. There was passed last winter by the legislature a law punishing not only those who sell the liquor, but those who drink it and become intoxicated, and your agent was one of those who helped to pass that law.

Regarding the employment of those of your own blood, I think that it is now pretty well understood at Washington that none but Indians or mixed bloods, when they are found capable, shall be employed. We have found some of our work here extremely difficult, yet some of those of your own blood have shown themselves perfectly competent to do it. We have only employed one white man, to do the work which none of you could do, and hope in a few years that you will have some who can do that work. Are there any others who wish to be heard?

If there are no more speakers, will you fix the hour to which we shall adjourn?

WOB-ON-AH-QUOD. If it suits your pleasure we will adjourn until 2 o'clock, so we can get through at 4 o'clock, in time to attend the funeral.

Council then adjourned until 2 p. m.

AFTERNOON COUNCIL.

WOB-ON-AH-QUOD. It has been my wish that there should be a full council this afternoon, and I desire that the chiefs will relate what I shall say to any of our young men who may not be here.

Young men, you deserve great praise for having taken the course you have adopted in these negotiations, not having spoken your own views, but having left it to older and wiser heads to deliberate in a matter of such importance. We have taken pains to guard your interests on all points connected with your welfare, and believe that we have not tried in vain to achieve this. We have acted for your benefit solely, and for the benefit of those who will follow.

It has been my life-long ambition to appear in open council before commissioners such as these, to express my views and show to you how deeply I feel interested in your welfare, desiring to guard everything essential to your good, and to lay before these honorable commissioners, whom I have so long waited to see, all matters pertaining to your future.

After mature deliberation, after discussing this bill in all its phases, and listening to all the explanations laid before us, we have concluded an arrangement which is wise in every respect and I am glad that we have ratified it by our signatures. It is true that it has been a tedious negotiation, but that is no cause of complaint, as we have arrived at a satisfactory determination. In all our transactions with the Government of the United States, in all our negotiations and treaties with it, benefits have been promised, but of them all where will you find one that so distinctly guaranties to us and our children such good results? Never was there a negotiation concluded with the Chippewas in which a permanent home was provided for them; this is the first time we have seen it.

Before the plans regarding the land that has been ceded are completed $90,000 is kindly loaned to us, to be placed in our hands, and which will be a source of great help. We shall not only receive the $90,000; that is but the beginning of what will come to us for our future welfare. It will accumulate year after year, and we can ourselves observe its increase. I am on the brink of the grave, and I leave this as a legacy to you. It is, as it were, my last will and testament. Take this advice as a friend. Young men, study charity in all its bearings. Be lenient with each other. Do not try to overreach, but be kind to one another, and if you follow these precepts you will have peace and prosperity. Look at it from the standpoint of those who are well advanced in age. Many of you who are listening to me will not see the end of the fifty years mentioned in the bill, but those who are then alive will see the benefits that will accrue from this agreement. Those we leave behind us will see those benefits, but many that I see will fall before that time. So we can only bear in mind that we have done our best for our posterity.

Young men, profit by the great chances placed before you in the establishment of schools. Do not neglect to send your children. Coerce them, if necessary, and it will be a source of pride to you. Look at the young man who has just stepped forward and signed his own name before the commissioners, and if you wish your children to succeed, educate them so they may do the same.

Study all the chances open for your children's good. Our agent kindly tells us that a gentleman will soon be here to see about children to send to the school at Carlisle, a great distance from here. If any of you think it is proper to send your children down there, do so; if not, there are good schools around us, but I beg of you all, give your children the benefits of schooling, either by persuasion or coercion. Do not let the white people make all these efforts for your advancement in vain. Just look around you. A short distance from here much money has been expended in building a magnificent schoolhouse. Send your children there. Look at this school building in which we are; all for your benefit. So, I say, do not miss this chance to profit by what has been done for your children.

Under this arrangement all possible advantages of standing before your fellow-beings as men and not as children are given you, the advantage of protection under the laws, and opportunity for advancement. All you have to do is to be economical and prudent. Be considerate toward each other in your councils, and never harm one another. If you continue in your old way, thinking that revenge is sweet, remember that that is not the way to be good members of society.

In your intercourse with the whites, whether inside or outside of the reservation, politeness and respect on your part will be returned. Instead of looking upon the Indian as a thing, they will regard him as an immortal being; they will embrace you in friendship, and consider you as men.

Now, I have a few words to say to the chiefs. You have heard the advice I have given the young men and my reference to the articles we have signed. Chiefs, I call upon you to take a new stand; I call upon you to leave that old road to perdition which you once followed, putting it behind you and taking the road of virtue and prosperity. Follow that, and advise your young men to do so. They will be sure to practice what you show them by precept and example, and will cluster around you more and more for counsel.

My friends, I have addressed the young men and the chiefs, and I may be allowed to say a few words to the honorable commissioners in conclusion. The greatest thanks are due to you as a Commission for having been so patient, never tiring of answering any questions asked, no matter how tedious, and all with such urbanity that I can not express my thanks.

Mr. Rice, our old friend, when you were a young man you acquired many friends among the Chippewas, but you see these friends here no more. They are all young

s before you, the descendants of your old friends, but they adhere to you as did
ir fathers. I was but a young man if you remember, when you came into our
ntry. I occupied no position of prominence. We were taught from our infancy
espect you, and have learned to place in you the greatest confidence. Whenever
re were any difficult matters to settle; whenever the Indians were in want of a
nd they never lacked one if you were present, and if you were not, we sought you,
the children of those friends seek you yet. So in this matter we have acted like
fathers. Whenever we had a momentous matter before us you never failed to
e us the best advice or the help required, and when we saw you here we took
footsteps of our fathers. We had full confidence in you, knowing that when-
r you told us anything it could be relied upon, and we have in you the utmost
fidence, because you have never deceived us.

ou were here a few years ago on an investigation, which was the last visit you
paid to us as a tribe. There were a great many young men who heard of you at
time but did not see you, and have always coveted the chance to see your kind
. They are now all satisfied, and we hope you will return gratified with your
t.

e have so much confidence in this arrangement that we even now fancy that we
l in our hands whatever proceeds we have been told the act of Congress would
d. You, sitting in the midst as chairman, and your associate commissioners sit-
on each side of you, are vested with the greatest power. How can we help
eving in you. All we shall have to do is to wait in patience and believe that
rything you have said will come true.

e the number of old faces here. We are all growing old; old age brings death;
are all approaching it, and must make the best use of the time before us. I am
king of the day—and it is sure to come—when our young men, after we are laid
y in the grave marked by a mound of earth, when they will say: "This man
spoke in the presence of the truest friend we ever had," and I shall regard it
he proudest monument that shall mark my resting place.

oth yourself and your associate commissioners have been so kind to us that we
n again to express our sincere thanks. I would refer to one circumstance to show
confidence the Indian had in you. When you asked if they remembered when
r forests were in danger of being clandestinely taken away, without your help
re would all that pine have been? Without your help it would all have disap-
red long ago. We never forget such kindness.

should never tire of speaking to you, my friends the commissioners, but let me
ress you again with one thing that is near the Indian's heart. I mean their pres-
ondition, having nothing to aid their immediate progress. If you could possibly
your influence we are sure that that back money which the young men have set
r hearts upon so much, that has been due so many years, and also the money due
damages caused by those dams of which we spoke at the beginning of these nego-
ons, would be paid to us, and we sincerely trust that you will not lose sight of those
ters. You can say that in open council we discussed these matters with you: that
know the use of money; that we wish to make progress, but that we need that
ey to help us to do so. If that money due us from the Government was paid,
ould be used in a proper way. We can expend it in the purchase of cattle, horses,
agricultural implements. We realize the value of money, and the Government
he United States need not fear that what is due us, if paid, will be squandered.
are well assured that with your combined influence you can bring this about.

he last words I shall speak to you will be in relation to the agency, and I am
y the agent is absent to-day. If there was anything at all at the present time in
warehouse to eat we would remind him that we are now very short of provisions,
ught about by circumstances beyond the power of man to control. The frost last
ruined our crops, so that we have now nothing to depend upon, and shall be
itute of means unless we have some assistance while harvesting what we have
ted. When you arrived here you brought relief, as we had used all our means
were on the eve of starvation. You came at the right time, as the provisions
which you have nourished us were essential to our existence. So we thank you
much, for if it had not been for that times would have been hard with us.

leave it to every man here if I do not speak the truth when I say that a majority of
people were obliged every time they wanted a meal to go out and dig snake-root,
it, and sell it. The time has come when we must lay before you our exact situa-
. The season has come when the hay should be cut, but we have not a mouthful of
risions to live upon while at work. The grain is yellow and ready for the reaper.
reare a few potatoes in our fields, but what strength is there in them when you have
ing else to eat? The agent is not here to-day, or we might find some means to al-
ate our wants. In the last council this matter was mentioned, and if you have no
f for us will you please represent our needs to the Commissioner of Indian Affairs?

Commissioner WHITING. White Cloud, the sorrow that has come to you has deeply affected us. While your young friend has given up its earthly heritage, it has departed to that great reservation which the Master of Life has prepared for the good. We give you our warmest sympathy, and commend you to Him "who doeth all things well."

To these young men I commend the advice of this worthy chief. No father could advise his children better; no statesman could advise his people more wisely; so I say that this grand old chief is both father and statesman. See to it, then, that his words are not lost upon you.

Chiefs and men of White Earth, after many long, weary, and anxious days our work is done; and I reverently implore the blessings of the Great Spirit upon it and you. Day after day we have patiently reasoned together upon this the most important transaction of your lives, and maybe of ours. During all this time your deportment has been such as to challenge our high admiration for you as men of honor, integrity, and sound judgment.

Your part of the deliberations has been conducted with such order and decorum as to give great promise of your future success in the conduct of your own affairs. The questions you have asked show how profoundly thoughtful you are in all matters that concern the future welfare of your people, and although the discussion has been sometimes warm and animated no word of disrespect has been uttered by you. If in these councils any hasty words have been spoken, it will be a pleasure to us to remember that they did not come from your lips or by your direction.

We believe that a bright prospect is before you, but you must not expect that your pathway will be all flowers. The sharp thorns will sometimes sting you, and the rough road will sometimes make your feet weary, but this is true of all peoples who are striving to better their condition. Great obstacles may come in your path which require judgment and patience and courage to overcome, but you have all these. You will succeed if you keep your courage and your faith. If, from any circumstances which we do not now foresee, you should fail of the highest good which it is possible for you to attain, no one would feel the sting of disappointment more keenly than we. But we believe that if you follow the advice of this venerable and wise chief you will, under the provisions of the act of Congress the terms of which you have accepted, move onward in the path of progress and upward into the better way of civilization, upward into the warm sunlight of Christianity, and upward into the haven of rest at last. So believing, we commend you to the Great Father who cares for us all, and bid you a kindly farewell.

Mr. RICE. We must meet again as soon as we can to look over the rolls and see that they are correct. To enable you to go home, there will be to-night a double issue of flour made, but we hope that before you leave you will come in to compare the roll, as that is very important. The chiefs should be here for that purpose.

WOB-ON-AH-QUOD. I have given directions for the funeral, and shall not go home, so that we can proceed with the calling of the roll.

CHARLES WRIGHT. In reference to the schools established here, I understand that 160 acres were allotted for each establishment. From whence does that arise; from the chiefs? Did they do it clandestinely, or was it done by others here? I wish an answer, and then I have a few other remarks to make.

Mr. RICE. One hundred and sixty acres are reserved for the schools in the Dawes act. It does not take the land from you, but simply reserves it for the schools.

CHARLES WRIGHT. I want to know if the Indian is capable of filling any places of trust or employment here which may be vacant in this agency. Would he have a right to apply for them?

Mr. RICE. The law expressly says that he shall have the preference.

CHARLES WRIGHT. Is that in this arrangement?

Mr. RICE. It is in the Dawes act, which is a part of this arrangement.

CHARLES WRIGHT. I make this statement on behalf of a great many young men here, full-blooded Indian boys. When they go to school, and return, they have no chance here to fill any positions, which is the reason I speak.

Mr. RICE. This act covers that point as well as all others that could possibly be foreseen.

If there are any names on this roll which should not be there, please let us know, and if there are any names which should be and are not, please inform us, so that the roll may be corrected.

The census rolls were then carefully read over to the Indians present at the council, which was largely attended.

Mr. RICE. The census rolls have been carefully read to you and corrected, and we wish to know whether as so corrected they are satisfactory to you.

To this question the Indians responded, "Yes," and all expressed themselves as perfectly satisfied.

Mr. RICE. I wish to congratulate you upon the happy and successful termination of all business that has been submitted at our councils, and I pronounce this, our last council here, adjourned.

COUNCIL AT GULL LAKE.

AUGUST 5, 1889.

Mr. Rice first explained the act fully, after which the Indians retired for half an hour for consultation.

WAH-DE-NAH. We will help to have the money appropriated for us, as is expected. Everything done by the White Earth people with whom we are in interest we are in accord with, and we accept the whole thing.

There are arrearages for four years that the Indian agent did not pay us while my father, Bad Boy, was alive. We would like to have that.

Mr. RICE. That is for your agent to reply to.

B. P. SHULER. In regard to that I will say that I have not yet examined the books to ascertain how the matter stands, but if it has not been covered in and divided among the White Earth Indians, the money must certainly stand to your credit. I will look into the matter and let you know the next time that I see you.

WAH-DE-NAH. There was due my father, Bad Boy, $150 per year, and he was paid that amount only once. On the third year year he got $10. If he had been alive he would have received that money, on account of the provision in the treaty for paying the chiefs, but since my father is dead I have received nothing. My father's wife is still living.

SHAY-NUH-WISH-KUNK. I wish you would listen in pity to my words for only a few moments. You see that I am now nothing but a corpse, but I will try to speak my mind to you. Regarding the proviso for our removal, what shall we do when we get there? Are you going to anchor us there without any subsistence? What shall we get there with? There are a lot of Indians who know how to pursue the white man's work, but how shall we subsist when you have anchored us there? I have been a farm hand for ten years. I know the minutia of advancing a farm, although I have not the means of advancing a farm myself. How shall we manage to get ahead so that we can become self-supporting? We will be very much obliged to you if you will please state to us what we may expect when we get there, and what our progress will be.

Mr. RICE. As soon as we have seen all the Indians the bill is to go to Washington, where it will be approved by the President. We expect that will be done this fall, and we are to see to those who wish to remove. The money is appropriated to pay for the removal, and if we live you will not be removed and left to starve. I have got to be pretty old, but this young man (indicating Commissioner Whiting) and myself will see that you are properly cared for. We did not take hold of this work to do a part of it only, leaving the balance to some one else. We can not, of course, tell you how soon the removal will take place, but we are in hopes to finish in time to have the President approve of the negotiations this fall.

Commissioner WHITING. My friends, I know very well how great a friend our chairman has been to you all these long years, and therefore I shall be content to assist him in what he thinks is best for you.

WAH-DE-NAH. We would like to have the first payment made here so as to enable us to go along.

Mr. RICE. I want you to understand that we can not promise anything, as we have to send the papers to Washington for approval, so you must not hold me responsible if the first payment is not made here. I do not want you to ever say that I told you an untruth.

The Indians then proceeded to give their signatures to the agreement under the act of Congress, every male adult of the band signing it, after which the council was finally adjourned, the census of the band having been previously taken and verified.

FIRST COUNCIL AT LEECH LAKE.

AUGUST 8, 1889.

Mr. RICE. After the lapse of many years, it is pleasant to return and meet so many of you here. It, however, makes me sad to miss so many faces that I saw long, long ago, but those who have been called by the Master of Life to the spirit land have left their representatives behind. In dealing with you, I can not but think that your fathers or their spirits are present, and if the result of our negotiations shall be as pleasant as those had with your fathers, I shall leave here with a light heart. We may not have brought as much sunshine as we or you would desire, but we hope that we have brought something which will clear away the clouds that have hung over you so long.

The business upon which we have come is of the utmost importance. It is of more importance to you than any business you have ever transacted. It is not so much for the present as for the long future. It will require your best attention, your best thought, and the aid of your wisest men. We do not expect that you will all be of one mind; you will at first differ very materially among yourselves, but by discussion and comparison of views, some of you will perhaps see the matter differently than at first. All we want now is your earnest consideration, and we will give you all the time that is necessary for consultation. We shall not hurry you. We wish you to bear in mind particularly that whatsoever your answer may be, if it is given in the spirit of friendship, it will be satisfactory to us. We shall leave the decision entirely to you and will be satisfied with it, hoping that it will be for the best.

We have thought perhaps you might desire another interpreter—one who is more intimate and familiar with you than the one we have brought—and if so, you may have one. So far as in our power we will gratify you in everything that is right which you demand. We will wait a moment before proceeding with the business before us, for you to determine whether or not you will select another interpreter. If you do not desire to name another, we will proceed with the reading of the act, and at the next session, if you desire another one, all you will have to do is to say so.

Colonel Whiting will now read the act to you.

Commissioner WHITING. Friends, although I am a stranger to you, I beg you to accept my kindly greeting. The chairman of the commission directs me to read to you the law under which we proceed.

Commissioner Whiting then read the act of Congress, it being carefully interpreted, phrase by phrase, by the interpreter.

Mr. RICE. You have heard the act read, and we wish to know whether you have anything to say in reply. If not, we will fix upon an hour to which we will adjourn.

If you are ready this afternoon we will give you an explanation of the act: the council now stands adjourned until 2 o'clock.

(Upon the announcement of the adjournment, Ruth Flat Mouth, the only representative on the reservation of the family of the celebrated chief Flat Mouth, and the only woman present at the council, where she sat at the head of a line of chiefs, arose and greeted the commissioners by shaking hands with them, she being followed in order of precedence by the chiefs.)

The opening of the council in the afternoon was delayed by a council which was being held by the Indians, Kay-gway-je-way-be-nung appearing before the commissioners and announcing to the Indians present that those in the council outside did not wish those in the council inside to say anything until the outside council was finished.

O-ge-mah remarked to the Indians then present in the council that it was not the custom among the whites to make any reply during negotiations until everything said by the other side was understood, when an intelligent response could be made, and that he recommended that procedure.

The Indians who had been in council elsewhere came in half an hour later, when the council was called to order.

Mr. RICE. If you are ready, I will now endeavor to explain to you the provisions of the act. If you are not ready, we will postpone it until you are.

I do not expect that all the explanations to-day will be fully understood, but we will hereafter answer all questions you may ask about them.

After fully explaining the act, the chairman ended by saying: As you probably wish to talk over many matters among yourselves, we will adjourn, and hope that you will be ready to meet us again at 9 o'clock to-morrow morning. Should anything occur to prevent our meeting at that hour, we wish you would let us know so that we shall not be disappointed.

Council then adjourned.

SECOND COUNCIL AT LEECH LAKE.

AUGUST 9, 1889.

The council was held out of doors, there being no room large enough.

STURGEON MAN. My friends, I wish to say a few words to you. I shall tell you what the feelings of the Pillagers are when they meet you. As soon as the Pillagers had made up their minds what to do, I took some of my money and I went and called upon you. It is not my purpose to charge the Pillagers anything for my services, nor for what I expended in their behalf. We wish an Indian to stand by and listen—an Indian interpreter.

Mr. RICE. Name your man.

STURGEON MAN. Those men will select one.

John Bassett (Way-me-te-gozh) and Charles Martin (Maysh-kow-e-gah-bow) took seats in front as interpreters.

STURGEON MAN. You see these boys are full-blooded Indians, and we wish to have them listen to what is said.

Mr. RICE. That is right. The council is now open for business.

PAUL H. BEAULIEU. I think it is expected that the Commission will speak first.

Mr. RICE. In the council yesterday we endeavored to explain to you the nature of the act. If there are any further explanations desired we will give them with pleasure.

We wish to say that the President directed us to take down whatever you may have to communicate to him, and all we may say or you may say will be put in writing and sent direct to your Great Father. We know that there are some matters which will develop as we proceed, upon which you wish information, and so far as we can we are ready to give it.

NO-DIN-AH-QUUN. I do not wish to say anything definite in what I say. We are waiting for the time when our braves and young men will allow us to proceed to this business—to talk to you. It is our sincere wish that you should once more explain the paper that you have before you, so that every one who is here present may understand. We wish it set forth so plainly that no one can misunderstand. The reason we do not give you an answer at the present time is that we want more light on the subject, so we may discuss it intelligently among ourselves. That is why we want the explanations made, and made so explicitly that we will understand. After you get through the explanations we wish that you should tell us that that is all you have to say for the present.

Mr. Rice again explained the act in detail.

MAY-CO-AY-WE-CO-NOY-AY. I want to know if that is all the message that you have to give us?

Mr. RICE. The whole of the message was read yesterday. I have only made explanations. We are prepared to give explanations of any other points that may come up as we go along.

MAY-COD-AY-WE-CO-NOY-AY. I am a priest, and I wish to talk to my friends. It is not necessary for me to come forward and shake hands. I wish to have a little rest for to-day.

Mr. RICE (to the interpreter). That is, they wish to adjourn?

Mr. BEAULIEU. Yes, sir.

Mr. RICE. The council is now adjourned until to-morrow morning at 9 o'clock.

THIRD COUNCIL AT LEECH LAKE.

AUGUST 10, 1889.

This council was held in the open air.

Mr. RICE. The President instructed us to treat with you kindly but firmly; to treat with you openly, not secretly. This is referred to to show you that the signature of no Indian will be taken in the woods, behind the houses, or in the dark. Whoever signs this paper must do it openly and before you all. None but a coward would do otherwise, so you need not be afraid; whatever is done must be done here in daylight, where all can see and all can hear. I wish now to have you rest assured upon this subject. We have not come here to disgrace our Great Father or ourselves. Every word you say will be taken down and given to him. We have not come here to beg you to sign, or to bribe you to sign. Your Great Father has made you an offer, and it is optional with you, after you understand its terms, as to whether you accept or not. It makes no difference to us as to whether you do or do not accept it. You are the ones to suffer, not we.

You sent him word three years ago, many of you, that you did not want to leave this place. He listened to you, and has consented to your remaining. I know all about it, as the papers are here before me. Your Great Father knows well your condition. He knows how very poor you are; that you have no mill; that there are many other things you are in need of, and that you have not even boards to make a coffin in which to bury the dead. He knows as well as we do that many of your young men can not get work. He knows that you are driven to the woods to dig snake-root to sell, in order to live. You know it; your old men know it; your young men know it, and you know it.

Now, I do not know of anything more that we can do until we hear from you. If you do not see fit to talk all there is left for us to do is to pack up and leave.

MAY-COD-AY-WE-CO-NOY-AY. I am coming to tell these chiefs something. I shall point out to them the persons whom we wish to appoint our spokesmen, and who will speak to you the words that we put in their mouths. That is what the braves here of the Pillager band say, and our young men also.

Ah-zhow-we-ge-shig will be the first speaker of the chiefs, and Wob-on-a-quay will also speak. That is the plan adopted by all the braves present. That is the organi-

zation as now formed. There are a few of the braves that are selected from their bands who will speak after the chiefs have spoken. Mah-je-gah-bow will be the first one to speak after the chiefs, and after him, two young men will speak in behalf of the young men, and after that May-dway-we-nind will speak. The Sturgeon Man will speak. The Sturgeon man is the one who will speak the minds of the Pillager Indians.

AH-ZHOW-WE-GE-SHIG. You have heard speak the man who was selected to make the speech to you. And as I have been selected as the first speaker, the task is a very difficult one and a complicated one for me to begin. If you feel an anxiety relative to this, it is the same anxiety I feel. Now, if you may be pleased to allow us, we will go and sit around and discuss the matter as to what shall be said. I think that is just the way you ought to do.

Mr. RICE. The council now stands adjourned until 3 o'clock.

AFTERNOON SESSION.

The council was called to order by the chairman, who stated that the Commission was ready to hear the speakers who had been appointed.

AH-ZHOW-WE-GE-SHIG. I am selected by the chiefs, those that you see before you here, by the braves, and also by the young men of the tribe. The chiefs from Pine Point, on the White Earth Reservation; the chiefs of Cass Lake and Lake Winnebagoshish reservations, and their braves, have also selected me for the first speaker. They are here as participants, because they are interested in the entry, as it were, of these affairs. In the course of these negotiations you shall hear that they have a perfect right to participate. As I have been selected I shall endeavor to do my duty.

My friend (addressing Mr. Rice), I represent all these people when I say that I am very much pleased to have heard your talk relative to my ancestors, and the faces you have missed here; all that has been a source of great pleasure to me, that you should be the only one left of the old-time friends.

My friend, the reason we are all happy to have the pleasure of addressing you is that you are aware that these chiefs and these braves were in the past; you have heard of their prowess in war and how they have conducted themselves in dealing with their enemies. For those reasons they feel like men. Everything that they used to take glory in—in warring with their enemies. Everything of that kind, however, is now buried underground, and our record is clean of any crime.

We know that you have been selected by the President of the United States, and also by the lawmakers of your country, to come here and conduct these negotiations. So you see, my friend, that you have been selected on the part of the Government, and I have been selected to appear before you on the part of the Indians. This must all be done with great respect toward each other on account of those we represent.

I now wish to say a few words regarding those you were kind enough to refer to in your opening speech and in relation to the road they followed and the land they tracked. We are now in the position in which we can meet each other. That is why the chiefs and braves and young men feel so joyous to-day in having the pleasure of meeting you. My friend, the great pleasure it is to see you meet us right on our own reservation, to see you present among us, makes us feel as though you were right in the palm of our hand. I state all these matters to give you an inkling of the feeling in our minds. I shall now follow a topic that pertains not only to the chiefs, but to the tribe in general.

My friend, do not entertain the idea that you have one before you who does not understand when anything is said to him. My friend, we do not wish you to follow a track that you can not go over, but neither do we wish to get over you.

My task is ended—that is what the chiefs, the braves, and the young men told me to say. You should consider me as a pioneer who is making a road, or laying one out for the others to follow.

NO-TIN-NAH-QUAH-UM. I have also been selected to lay before you the wishes of these people, the whole of those here.

We have been very much pleased to see you here in our midst. Had it pleased the Master of Life to take you away from the land of the living we should have felt very sorry, and as one man, on account of the business that transpired in the past. I refer to the cessions made by the Pillager band of the Chippewas. You will very well remember the cession. This is the first thing in the minds of these people, and we wish to have an understanding in the matter. We think of it as having never been fairly understood, and we should very much like to have you inform us as to its status at the present time. We do not at all oppose the act you now lay before us for our consideration. Our Great Father is the person who employs you. The Pillagers always receive word from you, in which you say: "My friends, be very careful about your behavior; always do what the Government wishes you to do.

which is to be peaceful; never incur enmity. I beg of you as friends to listen to me and do no covert act. Some day my hands will be let loose so that I can help you." That is the word you sent us, and that is the very reason that the Pillager bands are so pleased to see you, and why they respect you—for the kindness you have shown, and for the words I have repeated.

The men you see here are in poverty—in extreme poverty. That poverty began at the time of the first cession you obtained from them. You are cognizant of all the cessions we have made, and we wish that while you are here you should try to redress any wrong committed relative to the obtaining of those cessions. The Long Prairie is the piece of land that I refer to, the river country. That is a piece of land that you borrowed from my forefathers, and the amount of money that we were to receive relative to that. We wish you to take that into consideration and see if you can not redress it.

Another thing that we wish you to strictly bear in mind is that the Government of the United States has caused dams to be built, which have overflowed everything here that we had as a dependence for subsistence. They have destroyed all that without ever offering compensation for it. These people are all in accord in this matter. They wish to have an understanding about the Long Prairie matter, and also about the reservoir dams established, and they wish to hear from you what can be done relative to that. If you can give them an encouraging answer in any of these back matters, we shall not be unfavorable to this arrangement about to be made and which lies before you.

The amount of money that would accrue if justice was done to us, and the money paid to all these families before you here, would be a great source of revenue to them. It would help alleviate their poverty and be a source of help to these young men, to these old men, and the women and the orphans. That is the nature of our negotiations to-day. The only stumbling block there is to the arrangement you now bring and lay before us is the adjustment of those old dues which now belong to us. It was said to us, "The money shall be placed in your hands and it will help to relieve your wants." That was only a matter of speech; the thing was never carried into effect. It never came to pass.

An arrangement was made a few years ago whereby the Indians were to be well supplied with agricultural implements. I was very much elated when I heard of it; but when I saw the fulfillment of the promise, what did I see but a log-chain laid before me, which was to go around for one whole band. And then there was a yoke there also. When I looked at the yoke I thought to myself that I would not have sent a yoke without something to put under it. Come to find out, it was sent only for me to look at, and I never found out who the yoke was used on. If they had only said to me that they brought the yoke for the purpose of putting it on me and yoking me with it I should have kept it as a memento to show you this very day.

I have referred to all these back matters because when this act is now read to me, having been treated as I have—and it is no exaggeration as I have stated it—I am afraid of getting my foot into the trap again; so that I can not be too careful how I make promises hereafter.

WON-ON-A-QUAY. My friend, now that I am about to talk to you, remember that my ancestors were your friends, and what my ancestors thought of you. That is just the way that I think of you; I think of you as my greatest friend. My friend, the question that I wish to ask of you is, Here is an arrangement that you have left unsettled; why should you wish to tread over the arrangement and place a new one before it? My friend, there is a big lot of country, a big tract that you borrowed from me; I wish you to make that loan good. My friend, I do not understand the act. Do you not know that everything which grows under our feet springs anew every year? It does. There is something that is buried away underneath that ought to be taken up before beginning again.

I am old and tired, but I will depend upon my stomach feeling a little better after the big hunter (Commissioner Whiting) has shot something.

Mr. RICE. Yesterday I walked up to the old post to see the graves of my old friends, Flat Mouth and George Bonga and others, and to see again the ground upon which the first treaty was made. Sometimes in our dreams events that occurred years ago pass vividly before us. While standing there I fancied that I was again a young man, and all that happened there forty years ago this month flitted distinctly through my mind. There are some of you now before me who were present then; then you were the young men. You will well remember the words I at that time used. I said that you were not selling the land; that the price paid was inadequate. So, you see, the words of your second speaker were true.

The Great Father wanted that land for the Menomonies. The Menomonies in early days used to come up a few at a time and hunt and trap in your country. They

were friends of yours. I was at that time merely the messenger of your Great Father. You will see to-day that it was written in the treaty that the land was to be held for Indian purposes. It was given to the Menomonies. Your Great Father was sincere in it. It was expected that the Menomonies would remove there, but they were told by their friends in Wisconsin that owing to the war between you and the Sioux it would be dangerous for them to do so; that they would be between two fires. After considering the matter for several years they finally concluded they would not come, but would take a smaller piece of land and remain in Wisconsin.

There came, soon after, a change of administration, and the matter was forgotten, was laid aside. You did not say anything about it. No one seemed to take any interest in it, and several years ago, at the request of Chief Flat Mouth, I wrote the facts and sent them here, that you might always have something to show what the transaction really was. You called the subject up three years ago, before the commissioners acting at that time, and I was in hopes that the matter would be thoroughly sifted, but although I see that you allude to it in their report, they did not seem to understand the subject. But the paper I gave you was printed. It is now on file with the public documents in Washington. While I felt very sorry that the transaction terminated as it did, and was disappointed about it, I never felt ashamed, because I never told you an untruth. I have, however, lived in hopes that the matter would be settled to your entire satisfaction, and I believe that the day is not now far distant when it will be. But it stands in the same position as the old balances due to the Chippewas of the Mississippi, and it required a great deal of explanation there to make them understand the true state of affairs. At the negotiations three years ago they paid the amount to be paid for the damages caused by the reservoirs.

In looking back to the distant past it was seen that the Chippewas of the country were once one people, that you fought the Sioux from day to day, that you were a brave people, a people to be feared, and that this vast country, from Lake Superior to the Red River of the North, was taken by you from your enemies, and when I first came among you much of this region was covered with the bones of the dead. In those days whenever one band was in danger or in trouble the others were called upon, and you all helped each other. It was by your common efforts that you conquered and retained this country, and the Great Council has thought that you should all participate in the benefits when it should be sold. Those are the subjects that occupied the attention of the law-makers. The other matters were not even considered. They thought them of two small importance, and it was not the proper business of those who originated this measure to first examine into those details. So these matters were never brought to the attention of your Great Father, but he told us in the instructions to listen attentively to every complaint you might make, and to everything you might say, and put all down in writing and send it to him.

I am very glad to have heard what you have said in regard to those matters. I have never felt at ease—I have never thought of it that it did not make me unhappy that the old matter, in which I was the instrument of the Government, had not been closed to your satisfaction. When they commenced building the reservoirs I had that in my mind, and I wrote constantly to your people to keep quiet and bear with the ills upon you in hopes that something would occur by which we could go back and settle up the old matters together with the new. Many of my letters are now among you; none of them are private, and they all speak in the same tone. But, my friends, the truth is this: You have been so poor that your entire attention has been given to procuring food enough to supply your daily wants, so you have not had time to give to these great questions; consequently, you have neglected them.

We would not be unwilling to make this a part of the treaty if we could; but should we do so it must go back through that long, long road—through both branches of Congress, through the Interior Department, and then back to the President, after which appropriations would have to be made, which might consume a year or two.

We have no advice to give in regard to this. We have stated to you the plain truth, the facts as they exist, and it is for your better judgment to decide what to do.

In regard to the reservoirs, you know very well that I at once wrote to Washington and did everything in my power to see that nothing should be done until a satisfactory arrangement with you had been made. But in the making of public improvements no one can stop the Great Father. Only a few years ago your Great Father wished to cut a canal through the point of land at the west end of Lake Superior, at the outlet of the St. Louis River. The whole State of Wisconsin objected because it would throw the course of that river over to this side. They took it to the highest court in the world, the Supreme Court of the United States, and that court sustained the President. It was so with the Northern Pacific Railroad. He and the Great Council determined to build a railroad to the Pacific. They ran it through the lands of the whites and through the lands of the Indians, and there was nothing which

could stop it. Now, that was the case with the reservoirs. It was considered a national work, and it was determined that they should be built. All this, however, has not lessened your claim for damages, and you are just as much entitled to the amount as you would have been had you made an arrangement before the work was done. This is so plain a case I can not but think there has been some mistake or some misunderstanding or you would have been paid long ago.

I believe that it is now your wish that we should adjourn until Monday. You may, meantime, think of something that you wish to ask—your chiefs, braves, or young men—and we will patiently listen to anything that you may have to say. We wish to go away leaving you all satisfied and in a better frame of mind than we found you. When you act together your action is more effective. When we get a paper from you and know it comes from all we feel encouraged to work. All you now have to do is to respect the opinions of each other. Consult together freely like men, and while you may differ at first you will probably agree in the end. I now pronounce the council adjourned until Monday morning at 9 o'clock.

FOURTH COUNCIL AT LEECH LAKE.

AUGUST 12, 1889.

This council was also held in the open air.

Mr. RICE. The persons you have selected to speak this morning will now be heard.

KAY-ME-WUN-OUSH. You have, I suppose, been informed that it is hard work for me to speak this morning. I have a few questions to ask. There were some questions asked of you yesterday. There is something different that I wish to ask you this morning.

About the cessions of which we spoke, I do not wish to refer to that. I wish to begin the subject of the reservoir dams established which have caused us so much damage. My words will be few, as there are others sitting here who will speak on the subject. We wish the commission to understand distinctly that that is the matter we wish to impress upon them, as it is doing us an enormous amount of damage. It can not be put plainer than this, which is as we understand it: There is something grows there by nature which is put in my hand. The white man takes that morsel, put there for me, from my mouth. The reservoir built there has taken away my subsistence. It has created not only hard feeling, but hardships also. You [Mr. Rice] have written us to be very careful not to injure anyone, or any of our property—to respect that dam property. We have done so, but we have, nevertheless, suffered from that cause. The respect which the Pillager bands owe you is the cause of our not saying anything about the dams; that is why we were not troublesome.

There is another thing that we wish to ask you. In the treaty ratified in 1855 (article 3) the old men made a stipulation in which there was a sum of money named. [Meaning the utility fund of $4,000.]

And the Mississippi money that was put on one pile; that was used by the Chippewas of the Mississippi. We never used a cent of it.

There is another thing we wish to mention for the consideration of the honorable commissioners; it is this: That the Government of the United States, under solemn treaty, promised to pay the chiefs for their services, a surplus that came out of the annuity fund.

(This refers to the treaty proclaimed March 20, 1865, article 4.)

I do not utter these words frivolously, but wish that the greatest consideration should be paid to them. It is a matter of great interest to us; and we present it because we respect you and know that you are an honest worker for us; because you pity us, and because of the position you occupy as a representative of the Government. This is all I have to say. I will leave the matter to be discussed further by the braves and young men.

MAY-COD-AY-WE-CO-NOY-AY. I wish to say, in behalf of the band, what I was told. A man will speak who will represent the wishes of the whole tribe. We are of one mind this morning, and whatever he says will be for us all.

SONG-GE-GE-SHIG. I have an apology to make, as I am unprepared with my remarks, except in a general way, not thinking that they would call upon me. My subject will be a different one. It is the subject that you are discussing in all the Indian villages. You are aware there is such a thing as fables. Even fables, which are mythological in character, are never disputed if there is any sense in them. Even fables are listened to attentively, let alone such a matter of great importance as this.

We have great faith in the person that sends you here, and do not dispute a single word of what you utter in his name. We wish we knew positively that it comes from our Great Father's heart what you have promulgated for the benefit of all these Indians here. My friend, we are very sorry that you should have forgotten such a momentous thing as these back arrangements, as, if they had been all settled, there

would have been no necessity of discussing this at all, but we could have disposed of this new arrangement that you wish us to enter into.

This work that you are taking along from place to place with you, you can not change or modify. If it was possible I should follow (accept) it. I want to impress you with the idea that these people are all of one mind. If they make up their minds to accept the propositions they will do so as a unit, and if they conclude not to accept it it will as a unit be rejected. I am speaking to you so that if you do not see me over there you will know I have done what I was hired to do. I am one of the Cass Lake chiefs, but I am living here.

MAH-GE-GAH-BOW. I have been selected by the chiefs, and the braves have also selected me, and the young men also selected me, our women and children selected me. My friend, it is to lay before you what engrosses our whole mind that I address you.

We heard our fathers state under what conditions they had ceded the land to you that we referred to the other day, and it is our wish that our friend should state to us what he stated to his old friends, our fathers. It was you to whom they gave the land. At the time that Flat Mouth went to Washington they laid the matter in your hands to help them make the cessions. We, the descendants of our fathers who made all those negotiations, have always said that the first time we see the friend of our fathers we shall lay before him these matters, so that he can explain to us all about it, and as to which we are so anxious. So you see, my friend, that you are the person who made this arrangement by which we consented to part with that land, and you know all about it. It was at that time, in 1855, that you drafted that treaty, and the mixed-blood now standing by you was the one who then interpreted.

There was nothing to mar our happiness here. There was no reservoir dams, and everything which is now an obstacle to our subsistence was then clear before us. That is what is putting us in extreme poverty. They think it ought to be redressed. They discuss it day after day, and they are right in discussing it. Our idea, my friends, is to fix and conclude all the past relations between us. We do not wish to cover up out of sight that old matter, but to keep it in view, and after it has been fixed, then we are ready to make a new arrangement with our Great Father.

MAY-DWAY-WE-NIND. My friends, I shall now tell you the ideas of the Pillagers who have with one accord selected me to speak to you, and whatever I shall tell you you shall accept as the thoughts of all the Pillagers here. When you were selected your appointment was made strong by the person you represent, the Great Father. You are taking this message all over the country and you are bringing it to us here. The purpose is that you should carry out the intentions of the Government; that is what you are sent for. We know that in traveling you want to leave nothing behind unfinished, and we know that that is the way your instructions read. And it is a very happy thought that it should be so. The Pillagers here, with one accord, wish that the object of your mission should be fulfilled, and that the promises of the Government should be faithfully carried out. I have told you what the promises of the Government are, and I shall now tell you what our wishes are.

This matter laid before you has always been agitated in the Pillager mind during the past six years, and this is what they wish to get through before doing anything else. Six years ago we arrived at a conclusion and resolved we would adhere to it. What you have in your minds and what we have do not conflict at all, they only cross each other instead of meeting. The Pillagers have resolved that as long as these back matters remain unsettled they will stop where they are. That is where it shall stop. We have all put our names on the papers. The Indians at Cass Lake, Lake Winnebagoshish, the Indians at Pine Point, and we, have signed an agreement that we shall be a unit in the arrangement we shall arrive at. We wish that what we have asked you shall be laid before our Great Father and adjudicated before anything else takes place. We wish our business to be attended to first because it is momentous. At the present time we have extreme good feelings towards each other; so that your arrangements will be passed by, and ours will go on to Washington.

The first thing in the minds of the Pillagers is the land that you borrowed from us; this is what we are always talking about; and then the stipulations of the treaty that has been made with us; the first cession made to you, that remains in some degree unfulfilled. And the damages by the reservoirs, that is another thing.

Another thing is, that we wish you to understand that whoever touches the pen here will touch the pen under water. That is the conclusion we have arrived at. We do not wish to hurt each other, but we wish to have our ideas enforced, so that any one who shall touch the pen clandestinely we will try by our laws and punish.

SCURGON MAN (after addressing the Indians). It is three years since I took a document and placed it in the hands of our friend here, and he told me that those high in position should consider it. Mr. Sabin is the man referred to. He was pointed out

to us, and we were told to lay the matter before him and that he would attend to it for us. That man told us how to proceed. Then we were told, "You should manage this matter in a proper way; if you employ any one, you have a right to pay him." We did then employ a person who knew very well how to write. We employed J. B. Bottineau for that purpose. After Bottineau had written the article for us, he came and submitted it to us. That article contained all our grievances which we wished to submit the Government. We told Bottineau that if he achieved what we so much wished, when we received the money we would pay him $5,000 out of the fund. So you see that Bottineau was acting for us in all our business. We were also very anxious that you should be with us until all the matters were adjusted. It is very true that we have always looked to you in trouble, and you have never failed to give us succor. But you see it is impossible for us to ignore Bottineau. We have made bargain with him, so that he can not be thrown aside. It is impossible to throw off a person after you have hired him as an attorney. It is just like you hiring this secretary; we have no business to say that you must not hire him, and that is the way we feel about the man we have hired.

At the time, my friend, that you borrowed that land from the Pillagers, who were our fathers? It may be that I was not born then, but I have heard all about it. It was this year forty-two years ago since you entered into that agreement with our fathers. That is the first thing.

It is going on thirty-five years that the other cession was made, in which the old men here ceded the other land to the Government. The arrangement made for thirty years is now passed by, and that was the number of years for which the Pillagers were to receive payment for the land they ceded.

Twenty-two years ago there was an arrangement made by which the Pillages should receive pay, extending their annuities ten years longer than the time stipulated in the treaty. Those two men who were there at Washington at the time stated that the land on the other side here [indicating] was given back to the Pillager bands.

At the time of the raid which the Mississippi Indians got up against the Government there was a sum of money, $16,000, which was taken from us and paid on account of the depredations committed in that raid, when we had nothing to do with it. It was none of our getting up; only a few of our men as individuals joined in; yet we had to pay that claim. It was none of our business at all to pay it. There are those men before you now who protested against joining the Mississippi Indians when they were ready to commit overt acts against the Government. At the time the White Earth Reservation was set aside, and the Mississippi Indians removed there, there was a sum of $25,000 appropriated to pay for it, giving the Otter Tail Pillagers a right on the White Earth Reservation. We think that that land which was paid for at that time belongs to the Otter Tail Indians. We wish to have the Otter Tail Indians here with us to participate in interest with whatever might accrue to the Pillager Indians. We wish them to stand with us in all business matters. The Otter Tail Indians ought to have land separate for themselves.

At the time of the session, in 1855, the chiefs who made this cession did not do it for the purpose of excluding the Otter Tails. If they had only mentioned the matter to you, my friend [meaning Mr. Rice], you would have told them what to do.

We think that as our friend the agent is now here, it will be a happy moment to refer to the agency matters which have troubled us in the past.

My friend [addressing Mr. Rice], you did not think at the time that you gave us this paper I now hand you that you should ever be a commissioner to come among us. It was written nine years ago for the purpose of aiding the redress of our grievances. Please read this paper, which I suppose you gave us that in case anything should happen to you the Pillagers could exhibit this to show how the matter really stood. We wish to keep that as a memento.

The paper handed Mr. Rice read as follows:

ST. PAUL, *October 4, 1880.*

The following statement is made at the request of Flat Mouth, chief of the Pillager Indians:

In 1847, when the Pillager Indians, by treaty, sold to the United States the Leaf River country, for a nominal consideration, it was understood that the country ceded had been selected for the future residence of the Menomonie Indians, who were friendly to the Chippewas, and the country would remain Indian territory. Not only this, but the Menomonies would form a barrier between the Pillager and Sioux Indians, who had for centuries been at war. The old men thought by having the region thus occupied peace would follow; hence their consent to yield to the request of the Government.

They were sadly disappointed, for after the ratification of the treaty, other provisions were made for the Menomonies. The Leaf River country was thrown open to

settlement, the game driven out, and the Pillagers exposed to all the evils that beset a frontier border. The country ceded contains about 1,000,000 acres; the price paid about 1¼ cents per acre. The sale was positive. The Pillagers have no legal claim to the land, but morally have a claim upon the Government, which claim I hope may at some suitable time be acknowledged by giving to this poor band such aid as will improve its condition.

HENRY M. RICE,
One of the Commissioners.

Mr. RICE. In regard to the land that you loaned your Great Father forty-two years ago, all that you have said is true. It was understood between Flat Mouth and myself that that land was not to be used by the whites, but that it was for the use of the Menomonies. In 1855, when Flat Mouth went to Washington and made the last treaty, the question had not been decided—that the Great Father would sell the land to the whites—consequently nothing to prevent it was done. Time passed on and the matter seemed forgotten. As I was the only one living who knew anything about it, and for fear that I might be taken away, that paper which has just been handed to me was given to Flat Mouth. And I believe I am the only white man living whose hand touched the pen to the paper authorizing the cession. The commissioner who was with me died long ago, and I do not know that there is a witness connected with that paper who is now living. So I am left alone to receive all the blame that attaches to it, but I know that I am in the hands of my friends.

It was not long after Flat Mouth was in Washington that there came a change in the administration, and then, or soon after, came the great war, when everything else was laid aside; and it has taken nearly all the time since to settle questions that were raised by the war; paying the great debt incurred, taking care of the four million blacks who were thrown upon our hands, of the widows and orphans of the soldiers killed in battle, and of the soldiers who were wounded during the war.

You can also imagine the business your Great Father had on hand when a million men were under arms and every ship we had was armed and at sea. It is as if the storm was but just over and the ship had just arrived safely at anchor. These matters, with the other pressing business of the Government, have taken up all its time, and it is no surprise that many matters of small importance to your Great Father, but of great importance to you, should have been laid aside or overlooked.

In regard to the reservoirs, your Great Father has not said that he did not owe you damages. He has sent two commissioners here to consult with you and ascertain the amount that shall be paid. The commission of three years ago also took the matter into consideration.

It was said by one of your speakers that you wished us to do nothing here, but to pass on to the next band, and it may be better to make no arrangement here, but to go home, because it would not look well if we left behind us a stream unbridged. In regard to many other matters, some of which Sturgeon Man has referred to, as to the nonfulfillment of the treaties, we can not give you an answer without first examining into the question. But these are matters which are properly brought before your agent, who has the books showing the money paid and the cattle furnished. I know you brought these matters before your former agents, and that, as it were, your words were blown away by the wind. The reason was that they did not understand business matters, but you now have an agent who does, and who will see justice done.

We have learned since coming here that in the treaty ratified in 1865 was a provision that 200 acres of new land should be plowed and fenced for you, but instead of fulfilling that promise your then agent plowed your old land and took your money to pay for it, but did not plow an acre of new land.

In regard to the reservoirs, it has not been considered good policy to pay you the damages until it was known where you were to have homes. The sum agreed upon three years ago—$100,000—was so large that the Government did not think it wise to distribute it in one payment, as it would soon be gone. It could not be expended here in breaking land or building houses, because if the other treaty was ratified the improvements would be lost. You can see very readily that the Great Father could do nothing while the other treaty was pending.

As you know, there are many who wish to have the treaty of three years ago ratified, and in that case the only home you would have would be White Earth. The Great Council has not acted upon that treaty, as it went to a committee, and there it lies. After your protests against it were received in Washington the Great Council devised the offer we bring you, hoping you would like it better. As I explained to you the other day how the two differ, I presume you understand it. If you had kept quiet here and expressed yourselves as satisfied with the former treaty, it might have been ratified. While the Indians of other reservations also opposed it, none did so

strongly as your band, and you were the first to make your wishes known at Washington. So far as they knew your wishes, your friends have endeavored to carry them out by providing in this new agreement that you may remain here in peace or go to White Earth, as you prefer.

We shall do nothing to break the chain that binds you together in your views of this proposition, for there is nothing looks so badly as people, either whites or Indians, who are all tails and no heads. We have opened our hearts to you, leaving the result with you, and your decision will be final. We have our opinion as to what is best, but no two or three men can decide for a band. The interests at stake are your interests, not ours, and we hope that whatever you do will be for the best. We have made no promises, and given you no advice save to keep together.

STURGEON MAN. You will now hear from me, not only my voice, but that of the whole people. My friends, it is now three years since we began talking of this matter, and we have done so even up to this day, and there are many days in three years. We think the Great Father is owing us too much, and you know very well there is something owing us from the Government. We do not wish to leave this Leech Lake Reservation, and we tell you this in good faith.

We do not wish our Great Father to run us into debt on account of anything relating to our reservation. We know that any one who came to us with the money in his hand, saying, "Here is the value of the land," would simply be coveting the pines on the reservation. If he wanted a certain quantity of pine and had the money, he could buy it of us. If we should negotiate with you in accordance with your expectations and accept the terms of the act, we should have to wait a long time—perhaps fifty years—when maybe all the past dues would be covered up and could not be unearthed again. [Addressing the Indians.] The braves and the young men all like the chiefs, and do not wish that any of the chiefs should do otherwise than they do. These are my ideas, and I know they are yours. If we should be at this a thousand days, I should not say different than I do now. [Turning to the Indian agent.] The people will talk to you about the agency matters, maybe this afternoon. I don't know what time. I am very much pleased with what Mr. Rice says relative to the knowledge you possess.

Mr. RICE. It is dinner time, and we have nothing more to say. It is for you to say whether you wish to see us again. If so, you must name the hour.

MAH-GE-GAH-BOW. If we think of anything else we will let you know this afternoon.

Mr. RICE. I suppose that if you do not think of anything else we will prepare to go home.

Indians grunt assent.

MAH-GE-GAH-BOW. At what time will you meet us?

Mr. RICE. It is for you to say.

MAH-GE-GAH-BOW. Three o'clock.

Mr. RICE. The council stands adjourned until 3 o'clock.

AFTERNOON SESSION.

NOW-WE-GE-SHIG (addressing Mr. Rice). My friend, we have met again. I have heard that since coming here you have been presented with a magnificent beaded sack, and a beaded sack never goes without a pipe. [Handing Mr. Rice a handsome inlaid stone pipe.]

Mr. RICE. Thank you.

MAY-DWAY-WE-NIND. I wish to state to you what the honorable Commissioner of Indian Affairs stated when I paid a visit to Washington winter before last. I do this on account of the White Earth people, who even at this day are talking of this matter. I asked the Commissioner about the matter, and he told me that the Pillagers here and the Indians of Cass Lake and Lake Winnebagoshish owned that in common [pointing to the west]. The honorable Commissioner had a book in his hand, and, while talking, he stretched out papers referring to this land which was owned in common. He told me that it was seventeen years ago that that paper was made operative. When I asked the Commissioner who made that paper effective, he replied that it was the President of the United States who had done so, and that there was no power on earth who could annul that paper. That is all I have to say.

STURGEON MAN. My friend, I have a few words more relative to what all the Indians wish you to do for them. Whatever you say to us, or we say to you, that man puts down on paper, and it is our wish that you may be pleased to have a copy of that left here with us, a copy of the journal.

My friend, for fifteen years past you have always told us to be quiet, to live in peace and harmony, and we have listened to your words. You told us that all which troubles and aggravates and is a source of trouble to us will some of these days be

redressed. You told us, my friend, that your hands were tied, but that they would some time be let loose, when you could do something for your friends, the Pillagers. Now that we see that your hands are not tied, we expect you to make use of the executive power of the Government. We always have thought that if any one came and tried to scold us we would look to you. This has been the drift of our conversation for two days past; we have shown the respect for and the confidence we have in you. We have thought that the only proper way was to have this matter that troubles us go back to the great lawmakers in Congress. We thought so because of your counsel that we should remain quiet and live in peace and harmony, and we thought we would have a redress there. We are now very much pleased that you are in power, so we can talk with you. We know very well, our friend, that everybody in the country knows you by reputation and talks always very highly of you; and it is so to-day, and you are thought of a good deal above other men.

My friend, this is not your personal affair, your asking for your land; it is something started in Congress, by which you were appointed.

(Addressing the agent.) I have a few words to say to you, and hope you will listen. Of course, it is not your fault if you can not redress our wrongs when we wish to go to Washington about the treaty of thirty-five years ago. The lawmakers would perhaps be against it if they had set the sum aside for that purpose. There is a man over there [pointing to the agency office] who has charge at the present time of the annuities.

Commissioner WHITING. That is a matter for the agent to attend to.

Agent SHULER. I will have a meeting with you after the council is over on this subject.

STURGEON MAN. The way we are treated here everything goes wrong.

Mr. RICE. That may all be, but the place to talk to the agent is in his office, not here. We are here on business.

Agent SHULER. I will see you before I go away.

STURGEON MAN. That is what ought to have been said before. We understood that this should be said to the agent in the presence of the commissioners. That is all we have to say.

Mr. RICE. Something has been said here about your employing an attorney, and I wish to say that you have a right to employ one to write letters for you; but whoever employs him must pay him, unless he will work for nothing. If one of you commits a crime and gets in prison, you have a right to employ an attorney to appear in court. If you should employ one and send him to Washington, to Congress, he would not be permitted inside the doors. If you should employ an attorney to speak to us here, we would not listen to him. If you should employ an attorney to speak to the agent, he would not listen to him. The employment of an attorney by two or three or half a dozen does not bind the tribe, as they can not take your money to pay him without your full consent and the indorsement of the agent. I have acted as attorney for Indians when they were in St. Paul, but I never charged them for it. I mention this that you may not misunderstand the matter.

I heard something said this morning about selling your pine to white men who might come to you for the purpose. I wish to say to you that you can not sell even a dead tree that has blown down. If a white man should be fool enough to pay you money for a tree, the first time he put an ax into it he would be seized, taken to St. Paul, and punished. A few years ago a foolish white man purchased some pine on the Lake of the Woods, and the moment he went there he was arrested, taken down to St. Paul, and imprisoned, and begged assistance of me.

Another thing regarding your pines. The white man has no right to set fire to his own house, and if he does he is punished. Your Great Father will not see his children among the white people destroy their property by fire. He does not permit it, and he will not permit the burning of your pines. It is the property which the Great Spirit put here for the purposes of man, and it is not going to be left to destruction.

I heard here this morning something that sounded like a threat. I have to tell you that times have changed. Only a few years ago an Indian was permitted to kill an Indian, and if one did so it was settled among yourselves. But now, if an Indian kills an Indian he is just as sure to be hung as if he killed a white man.

The day before we reached Red Lake one Indian there killed another. He claimed it was an accident, and perhaps it was, but the agent seized him and he now languishes in prison in St. Paul. Congress has passed laws upon this subject, as well as upon others, of which you have not heard.

As we have said to you, we hope you will be united, and we still hope so, but we want to say to you that any man who wishes to sign this paper will have permission to do so. We shall present it, and if anyone signs, it will be in broad daylight, and he will not be deterred from it.

If you have any good reason for not signing the paper, any reason that should receive consideration, we will listen and take your words to your Great Father, but we will not carry any trivial message. We are not men of that kind and were not sent for that purpose. I was in hopes it would not be necessary to say these things to you, but we have to be plain with you, whether or not it is acceptable, for we know that in the end it will be for your good.

You have much to say about the lending of land to your Great Father, but I have not heard a word about his lending you $90,000 a year, year after year, to enable you to avoid digging snake-root in order to live.

Now, if any of you have good reasons for not signing, we will hear them, and if any wish to sign, they may do so, but no threats can be used or put in force here.

MAY-COD-AY-WE-CO-SOY-AY. My friends, I wish to tell you how we look upon your message here. My friends, it pleased the Pillagers when they heard that you had been selected to sit here and have the Pillagers standing before you. This was because of your past transactions with the Pillagers that they were so elated when they heard of your appointment. You can see, my friends, what pains we took to receive you on your arrival, and the reception we gave you, which was done in the fullness of our hearts.

The idea of the Pillagers to-day is that they do not want to step over the old arrangements before they enter upon another. We thought you would lay before us everything pertaining to those matters. If you had done as you ought to have done relative to the Pillagers, they would not have been compelled to beg for a living to-day. I have told you why the Pillagers were so glad to see you, and they are still glad to see you. The people here were not so much pleased with the act that you read and explained to them. It was not that; it was the back arrangement that they were so much pleased about.

My friends, do not feel badly because we do not accept the propositions that you have extended to us. My friends, your friends here salute you from the bottom of their hearts, as you can see by the demonstration made when you arrived.

STURGEON MAN. I have a few words to say to you. The words you have spoken to the Pillagers here have been well listened to by your friends and those who call you friends. We do not say "friends" for the sound only, but we mean what we say. If my own brother should come to me and wish me to enter into an arrangement, and I should not comply with his request, I should not feel insulted. Even if he should cut my body into pieces I should not resent it at all. I am interpreting the ideas of the people here, and I would not, under any circumstances, be guilty of disrespect towards you, whatever words may come from you. I am told, if anyone talks hard to you, do not talk back in the same spirit; that is what they told me. The Pillagers told me, "Just think of God whenever your temper rises, and it will not rise." "If you should meet with reverses in making your arguments, do not let that irritate you at all; if you should be knocked down in trying to maintain your rights, do not resent it." If they keep putting these words into my mouth, I have to utter them, whatever the consequences may be. If I am chosen by them to speak, I must do so.

Kay-gway-je-way-be-nung then addressed the Indians, telling them to watch any one who was guilty of touching the pen, and to stop him, and that he still occupied that attitude.

Mr. RICE. You seem to be laboring under a false impression, which I wish to correct. We do not expect any here will say anything to offend us; we certainly will not say anything to offend you. We have heard what you have said about the old matters and have put it all down.

What we expect is, that if there is anything in this paper we have brought to you which you do not like you will say so. This paper says that you may remain here. If you do not want to remain here, we wish you to say so. If you do not wish your Great Father to lend you money, say so. If you do not wish the other Indians to put in what they have against yours, say so. As we have talked so long about the other matters, we desire to speak of this a little, and if there is any alteration you wish in this arrangement we want you to mention it, so we can send your statements back to the Great Father. Three years ago he spent a great deal of money in sending a commission here, and it seems that you did not like the propositions then made. He now sends another with other propositions, and instead of pointing out in it what you do not like, you simply say that you will not sign it, which is no reason.

You speak of sending a delegation to Washington. There is a law to prevent it. Only last winter one of the biggest chiefs of the Sioux went to Washington. They would not listen to him and he had to beg money to get home with. Now, as your friends, we would advise you to speak of the propositions sent you. If there is anything wrong, mention it, that we may send your objections to the Great Father.

We know very well that he thought that he was sending something which would be welcome. We certainly would not have brought it had we thought it would not be acceptable to you. I hope you have considered the subject well, and for your sakes you will send some message if you have any. I do not say that he will send another commissioner. I do not say what he will do or will not do, but I advise you to send something that he may read and see that it came from men of sense.

NO-DIN-AH-QUAH-UM. I wish to talk to the Indians, and wish notes to be taken of what I say. Pillagers and men of this place, it is to get you to act as a unit and in your interest that I speak in your behalf. Do not lay upon me the imputation that the white man has turned me to his side on account of the words I may utter. I shall talk of the cause that has been rankling in our bosoms for a long while and has caused many troublesome thoughts.

You all know that we all hate the prairie country, because it is cold. It has been my idea that you should have considered this matter thoroughly and, instead of going to the prairie, to arrange in some way so that we can be permanently located here. The main idea that actuates every man here is to remain at the place of his nativity. That is the idea that is foremost, and which ought to be considered, so we will not make a mistake.

This matter is now within your grasp, and you can achieve it yourselves. You can do more; you can ask these commissioners if they will invite our fellow-Indians living on this reservation with us—those living in the woods—to reside on this reservation and make it a common resort for us here.

That is all I have to say relative to the signing, if that is what you call signing. For my part, I am against having anything done clandestinely. If I touch the pen, I will do so because I think I understand what I am doing it for. I am against having anything done in secret. If it is my conviction that I am right, I shall touch the pen under that conviction.

My heart hangs just like the heart of my nephew, Sturgeon Man, as shown by his speech here. I am afraid of the Pillagers; I am afraid of them because I know what they are and what their impulses may lead them to. I have been a young man, and I have worked hard against the impulses of the young men. When I look at the number of men here, and the women with their children over there, I remember that it is their interest which we should consider. We ought to advise with each other as to what is best. I do not remember exactly the number of years, but it seems a long number of years that support was promised, and that is what we ought to discuss and understand intelligently among each other. My heart hangs in this way. Whenever I have a morsel to eat it is the greatest wish of my life that I could have every one partake of that morsel with me. This is the feeling which actuates me in expressing myself in this way.

HAH-GE-GAH-BOW. I was selected also to speak for the people. When the whites came here and visited us they also appointed me as speaker. You can see this man sitting here, the friend of our fathers (Mr. Rice). The value of the land that was ceded by our fathers ought to have been a sufficiency to have supported us all. It has pleased the Master of Life that we should enjoy everthing pertaining to this lake upon which we are placed. When he put us here he put also the wherewith from which we should get our subsistence. We used to put a great deal of trust for our subsistence on that lake that they are now spoiling for us. It was the pleasure of the Master of Life that we should get from the waters in this lake what should be our subsistence, and the Master of Life thinks to-day, "I have put in that place what I want my people to enjoy—the fruits and everything that is grown there." You must see yourself that it is all spoilt by the whites. That is the reason that we are compelled to dig snake-root sometimes for subsistence. If it had not been for the action of the whites in stopping up the rivers with the reservoirs we would not be compelled to do that for a subsistence. We thought we had arrived at a time when a settlement for those reservoirs should be made; something of a sufficiency to support us; that is the idea we still entertain. And, my friend, you are the one who told us to keep quiet and live in peace, and that is why we have; but we see that those dams are conquering us. If you had not spoken to us we would have opened all those dams long ago. My friend, I have told you the truth.

KAY-GYAW-JE-WAY-BE-NUNG. My friend I wish to yet say a few more words to you. I wish to tell you how the way you have spoken to us looks to me—about the persons who came here, the commissioners, who got some signatures, those from Washington. That is the very way they went at us—they whipped us with words at the time that they saw they could not effect anything here. I was the one who got up and told them that we did not want and would not receive anything like that. That is the way I expressed myself to you, and we do not wish to have anything that will harm us at all, to befall us.

All that we are contending for is something that will support us, which is why we are in council and debating matters relating to that. We can now see right through you and that you are a white man; that whenever you are talking to Indians you know what weapons to use to them. We are not scared at all; what do we do at which we should be scared? We do nothing of that kind.

It is not you, who are a white man, that we talk in this way about. It is the Indians, who have a claim against the Government, which owes us something—that is who we are talking about. That is what we say, and we say it all togeth r. There is nothing which would harm the Pillagers so much as that which you are a bring to them. It is our property, and it is for us to take care of it. We will n t give up to the Indian who wishes to sign away our rights to this place. We do not wish to restrain any one who wishes to touch the pen, but we wish to do that to him [making a sweeping motion with his arm] and move him away, so that he can not touch the pen. That is what we have made up our minds to. This is our conclusion, and we do not wish to accept of the propositions you have placed before the Pillagers. My friends, I wish you to think that that is our ultimatum.

STURGEON MAN. The more we talk with the commissioners the more they look as if they wanted to intimidate us; tell them that they may go home.

[So much disturbance was made that the council was broken up. A few minutes later an Indian appeared before the commissioners, saying he wanted to know if they were going to listen to the man who had spoken (Sturgeon Man) and go home, as in that case he would do so also. Mr. Rice replied that the commissioners wished to hear from other parties, and that they who desired to speak would be given an opportunity. An Indian afterwards came forward to show Mr. Rice some papers and letters he had, demonstrating that he was the son of a chief now dead, and requesting a letter from the commissioners to aid in increasing the size of his band. He was promised the desired letter.]

FIFTH COUNCIL AT LEECH LAKE.

AUGUST 13, 1889.

The Indians spent this day in conciling among themselves, but at 5.30 p. m. the commission received a message that they desired to meet its members in council, whereupon the commissioners appeared at the schoolhouse, where the Indians had already assembled.

Mr. RICE. In accordance with your request we meet you this evening, and are now ready to hear what you have to say.

MAY-COD-AY-WE-CO-NOY-AY. The words of the man who will speak after me are the words of the Pillagers as a body.

NO-DIN-AH-QUAH-UM (addressing the Indians). After my words yesterday, my friends, I thought we had better discuss this matter well before proceeding further. I thought that my words would have effect. I was extremely surprised that a motion was made to call a council to-day. This was disrespectful to the commissioners.

The results of our consultations are all for the best. I was not empowered to utter the words I used yesterday in the council and objections were made to it. If I made a mistake, of course I owe them an apology. The reason I spoke in the way I did was that I was afraid our friends here (the commissioners) would take offense at the words uttered yesterday, and I thought it was better to say what I did even without authority. I was afraid, under the excitement at the time, we would become estranged, and I spoke under impulse. It is desired that the speech I made yesterday be not made a part of the record, and it is in accordance with their wishes that I made this demand. I make this request because I think a great deal of our people. That is all I have to say for the present. There is another man who will speak. I do not know what he intends to say.

Mr. RICE. Whenever a man comes frankly forward and says that he has made a mistake, and has uttered that which he did not intend to because he was under excitement, of course we will take it out of the record. Nothing pleases us so much as plain, straightforward, honest talk.

STURGEON MAN. My friends, I appear to you now as an Indian [meaning that he had not assumed paint, feathers, and a blanket]. They have opened the door for me and allowed me to speak again to you. And you know, my friends, that it is the wish of the people here that I should utter these words in their behalf, and that I should tell you their feeling. I wish to say a few words right here. I wish to speak on my own behalf, and that you should see me as I am, all three of you. It is a positive fact that I am selected—I am hired, as it were, to speak to you.

My friends tell me that whenever a man speaks hard to you do not get cross over the matter—overlook it. That is what I am told to say, and that is the way I am told to act.

My friends, I am told to say to you that the Pillager Indians had no faith in themselves. That they should not detain you very long before going to our own work, which it is so essential that we should do. They say that we ought not to speak to our friends any more; that we shall see our friends. There is a great deal for us to do, and we ought to be attending to that kind of work. They say that they do not wish to have this act of Congress at all; that they do not want to accept the propositions made to them. That is what they told me to say and that is all they told me to say.

MAY-COD-AY-WE-CO-NOY-AY. A mistake was made by the messenger we employed to call this council. If you wish to have anything more to say, we will have our chiefs see you.

Mr. RICE. I hardly think it is for your good to send to the Great Father the only message you have delivered. I think if you have any regard for yourselves, and I know you have, you will send a different message. I think the chiefs should speak. He will ask, "Where are the chiefs?" What shall we say? He will think we made a mistake, and that we did not find our way to the Pillagers. He will ask why you sent to him the messages you forwarded three years ago; what can we say? He sent us the paper you signed, and we have all your names. You said you did not want to go to White Earth. He will ask if you were laughing at him then, or if you are laughing at him now. He will ask if the chiefs are dead. I have looked over the list and find that not one of them has spoken. When he sent us to bring a message to the chiefs, and through them to the young men, he will want to know if we found them.

He has had hard work for years to keep the whites from your reservation. He keeps now at Fort Snelling, and in the vicinity, hundreds and hundreds of troops to protect you. There is no trouble among the whites. Do you wish him to turn his back upon you? If so, you can probably force him to do it. We are taking back to the Great Father from the Pillagers no message but insults. One man gets up and says that he speaks for the Pillagers. He says he speaks for the chiefs, the headmen, and the young men, and you send through him word to the Great Father that you will throw the first man who touches the pen into the lake. You will say that the man who attempts to touch the pen will be brushed away, and that if it had not been for me you would have destroyed the reservoir dams.

What words are these for us to take to Washington? Threats and insults? Do you know what the consequence will be? Talk about your land—about not parting with your land—you don't know what you are saying; you do not own a foot of land. This land was taken from you and the British, and the Great Father has never given it back to you, but as a kind father has permitted you to live here as his children. As I told you yesterday, you can not sell a tree and have no control over the reservation. If a white man comes here to trade you can not interfere with him or prevent his remaining, as he has the same right here that you have, for he has the permission of the Government.

You have heard of the trouble that the Mille Lacs are in, and have been in for years, because the whites are surrounding them, wanting their land and their pine. To prevent a repetition of those troubles at White Earth, Red Lake, and here, he has sent us this message: To stand between you and the white man, and to give the Indian land which he may hold as the white man holds his. As soon as it can be accomplished, each Indian will have his patent—each man, woman, and child—and then no one can trouble them further. We made this arrangement at White Earth, and they are now out looking up the sugar bush and the hay lands, so each may have some of his own.

He told us to come here and make the same propositions to you, and then to hurry on to Mille Lac and try to give them relief, but, judging from the last news we have received, they may be driven from the reservation before we can get there. You talk of selling this reservation. How much of it do you sell when you have taken out your allotments? You get the most of it yourselves. You will be so little disturbed that you will hardly know that you have parted with any. You will not only remain here, if you wish, but your Great Father offers to send you money already appropriated. Is there a man among you who refuses money when offered?

When we have sent the words you have spoken, who will be brave enough to speak on behalf of the Pillagers? When you have thrown away the few friends you have, will you be any stronger than you are now? Where will you look for friends after treating the Government in the way you propose? Are his, the Great Father's, white children going to take up the fight in your interest as against him? I do not know of a man of sense or influence who will dare to say a word in your behalf hereafter. You have treated him with contempt. You have not even asked a question in regard to the measure that he sends you. He will make inquiry, and he will discover who instigated all this. After all these years I have worked for you, will you refuse the

opportunity to better yourselves now offered? I am so surprised that I do not know what to say. It seems to me that you are asleep, or else there is some evil spirit poisoning your ears. I can say no more. I received word this afternoon that the chiefs wished to meet us at 9 o'clock to-morrow morning. Perhaps you wish to withdraw that request. If so, do it.

O-GE-MAH. No one pushes me forward to say what I am about to. I am at a loss. I have not seen the message you brought here to be discussed. You have been here a great many days. If anybody had come forward and asked you to state what you have brought, we should have understood the whole thing by this time. It would have been a pity, after all this discussion, if we were unable to say that we object to such and such points, and we do not think it is right to decide without discussion. We have had a council to-day of the chiefs and many of the young men. We have discussed this matter fully in all its merits, and we made up our minds it was about time to ask you about the propositions you bring and have some light thrown upon the matter. I have been waiting for this moment. I understood that this moment would come; now it is our turn. Now, remember, my shake of the hand with you is for 9 o'clock to-morrow morning.

Mr. RICE. I feel that light is breaking. There is nothing in that paper that can not be discussed or that we can not explain to you. If there are any points you do not understand, think them over and ask us about them in the morning—not once, but a dozen times if necessary; we came here to wait patiently.

No-din-ah-quah-um then addressed the Indians.

MAY-DWAY-WE-NIND. I wish to say that the interpreter made a mistake in translating for me yesterday. I did not mean that if a man should sign he would go into the water, but that if a man signed he would sign on the water.

STURGEON MAN. The chiefs are ignorant of the paper that you bring here.

Ben Fairbanks had the paper you brought here and that you are now discussing. The paper was read to us by persons who did not understand it very well themselves, so as to give right interpretation. Although many understand how to read, it is difficult to understand the bill thoroughly. We went to the Rev. Clement H. Beaulieu, who is the one who interpreted to us. There were three of us who went and had it read, and we understood the whole thing as it was.

I wish to speak of one thing more. It was understood there was fifteen bands of Indians who will participate in the $90,000, and the Red Lake Indians brought word that there was $90,000 to be given to them alone. The Rev. Clement H. Beaulieu listened to them and they said that, and also Ben Fairbanks. The men told the Rev. Clement H. Beaulieu and Ben Fairbanks that they misconstrued the bill relative to the $90,000. I told them we understood there was fifteen bands to participate in the $90,000. The old captain of police said there was $90,000 to be used for the Red Lake Indians alone. The reason we objected to the bill was that $90,000, used among so many Indians, would make our per capita too small. That is, I suppose, the same bill that you are talking about.

An Otter Tail Pillager, living at Pine Point, then stepped forward and addressed the Indians in a forcible speech, telling them that his band had gone home because they had crops to look after, if the Leech Lakers had not; that they had not time to remain and take part in their wrangles, and that they accepted in all respects the propositions made by the commissioners, and then addressed the latter as follows:

We wish you to understand that our band will follow the course of the people at White Earth. We have agreed that those who did not receive annuities on the reservation should not be allowed there. There is a family at our place which has just arrived there and has marked out a good deal of land. They were brought up outside of the reservation, among the whites, and they have taken the land since the agreement was made at White Earth.

We would like to know whether you are going to pay for the land improved under the working clause, and give those who have cultivated ten acres a certificate for forty, and whether you are going to give land to others without the working clause being operated in their cases.

A man there who has made improvements for seven years has sold them. Is that allowable? The land is all fenced in and opened as a farm. It happens to be a white man who has hold of the land, and his reputation is very bad. It was my son who sold the land and improvements. He is a good worker, and I am not well pleased with his action, after working so long on the land and then selling it to this white man, whose reputation I do not like.

Our Great Father has given privileges on the reservation to a white man who has no interest there. He does whatever he pleases on the reservation, as though it was his own. Is that allowable? I crave a piece of paper showing whether he has a right there. I do not wish that man to be in my way there, relative to the land that was bought for me to reap the benefits of.

We have never had any trouble with the white men who are married in our people because there was, so to speak, a line between us.

The temper of the man of whom I speak is so violent that once this summer he was aiming at me with his gun.

Mr. RICE. It is customary for your Great Father to send commissioners to make treaties, and then send others to carry them out, but in this case it is differently arranged. He sent us, not only to make the treaty, but to make the allotments. A man and his family need not take their land all together—one can take his in one place—agricultural land—and another can take hay land, and if there is a piece of sugar bush, one can go and take that.

It is left to us to say what land you shall take under the act, and where, but we want you and the White Earth people to make your own selections, when we will confirm them.

To show you that we have respect for the right of the Indians I will mention that at Red Lake, after the negotiations were all over, we called the Indians up and read the roll to them to decide who should stay there and who should not. We left it to the Indians. Notwithstanding all the care taken they made a mistake and sent all the way down to White Earth to have it corrected. We did the same at White Earth, and we intend to do the same with you. We shall not do anything against your interests, and if there is any difficulty we hope to have you satisfied at any rate. The white man has no right to take anything from you. If you have any bad white men there it is an easy thing to send them off. The Great Father has now adopted an entirely different policy towards his red children. He has arranged a way to settle difficulties without resort to hard words or blows, and when we come down to Pine Point we will look into your matters and do what we can for you. At White Earth some white men had selected land, but they were stricken from the rolls. The white man has no right to buy your land or your improvements.

The law says expressly that no white man shall buy your allotments, although if one of you is not satisfied with his selection and wishes to change with or sell to another Indian, with the consent of the Secretary of the Interior it can be done. If there is any white man there interfering with you it should be reported to the agent, who has the means to correct it.

PINE POINTER. Will the people of our band receive under the bill all the benefits that the White Earth people got?

Mr. RICE. The same benefits.

Council was then adjourned.

SIXTH COUNCIL AT LEECH LAKE.

AUGUST 14, 1889.

O-GE-MAH. I am addressing my people, and I wish the commissioners to know what I am saying. It is this: First, If you should accept of this proposition, it is essential that you should understand all the points contained in that instrument. We must ask questions, and then have them answered. A great many things escape our memory. If this meets your views, and I know it does, that will be our way of procedure.

(The friendly Indians were largely present at the opening of the council; but those opposed to the negotiations came later and with such noisy and hostile demonstration that the business of the council was, for a time, interrupted. The hostile Indians were demonstrative and threatening, and clearly expected to intimidate the commission and the friendly Indians, so that no more councils would be attempted. Signally failing in this, they became quiet, and after a period of silence one of their number came forward and said that the occurrences of the morning were not expected by a majority of the band and were not approved by them, and that it was their earnest wish that it might be wiped off the paper and not be sent to the Great Father at Washington. After a short consultation it was agreed that their wishes should be complied with; it was accordingly stricken from the record. From this time on, no further hostile demonstrations were made, and the commission proceeded with its tedious work without further interruptions.)

RUTH FLAT-MOUTH. I have a few words to say to the Pillagers, to my relatives, those living in poverty together at this place. It is twelve years since I adopted religion. I feel in my heart that I have a duty to perform, in pitying every person who deserves pity, and I ask the Master of Life to help me in my efforts. I think that I am helped.

I have been trying very hard and I have succeeded in my efforts to carry myself so as to command respect. No one has given me any lessons. What I am going to say comes from my heart. I do not believe that it will be possible for any person to state to me just exactly what I think. I think it proper to carry individual ideas, and I wish to do so. While hearing your several discussions I have been listening

very attentively. I have understood that you were to be of one mind and a unit in feeling. It has pleased me very much when I heard you were to be so, and I hope and wish that it should take place. I ask every day for the divine aid in this undertaking on account of my race, and pray to Him that He shall have pity on the Indians in relation to this matter, especially those who are ignorant and do not understand anything. My relatives, it is the greatest and most sincere wish of my life that we should be pitied by the Master of Life and that He should be pleased to spread over us peace, so that our village here shall have harmony in it and not turmoil.

Now, about what the white man has enacted and which now lies upon the table. I wish that you should hear me and take pity on my words. I wish you all to have your ears well open so that you can listen, that you should understand for yourselves what is good. It is easy to understand what is good, and it is just as easy to listen to the evil spirit. It is my sincere wish that you should all listen attentively, so that you may understand everything that is said to you. I remember my father when he used to live on this earth, and I know very well that at the time of his death he left me the hereditary chieftainship, but it was my wish that my brother should carry the burden which I did not wish alone, but my brother is not here to-day on his own land. I am the only one who represents our father now on this reservation, and I shall follow the track which is good. That is the way I am going to travel. That is all I have to say, and it is my sincere wish that the chiefs should talk after me.

Mr. RICE. I know how it is with you; that you are liable to be misinformed. We know of the messages sent from below by your enemies. We know that promises were made and letters written. We know that one was written telling you that if any one was arrested he would not be punished.

Your old men are passing away, and soon will be gone. The young men here will soon take their places. It is wise for the young to listen to the old, because the responsibility now upon the old will soon be upon their shoulders.

I am not surprised that some of the young men, when they saw these papers, supposed they were brought here for you to sign. That is not so. All that are here are to enable us to give you the information you desired. I also know that no one can listen or speak properly when he is excited; so we will sweep away all that occurred this morning.

We know by these papers sent from Washington, which many of you have signed, that you wanted your Great Father to permit you to remain here. After long consideration, the Great Council consented that you should remain. We can now appreciate how uneasy and alarmed you were when told that our object was to remove you. I confess I was mistaken in the Pillagers when I came and learned the thoughts that occupied your minds. I did not suppose any one had been so wicked as to try to make you believe that you were to be compelled to leave the homes of your fathers. After all the stories had been told you, I can see where the trouble was. We bring you the most solemn assurances, not only in words but in writing, that all those who wish to remain here can do so. We are authorized to tell you to take your allotments wherever you please—your hay lands, lands to cultivate; take your sugar bush; take anything that can be of use to you, except the pine. We are not only authorized to tell you this, but to carry it into effect. We are empowered to give you your allotments, with the title to them. You are to have the first choice. Go and take whatever you please. Take it, and it will be given to you. Not given to hold as you hold this land now, but the patent will be given you. Every head of the family takes 160 acres, which is a very large farm. Every single man and woman each takes 80 acres, and every child takes 40 acres, which is selected by its father, or its mother if it has no father. Every orphan who is not of age receives 80 acres. When this shall all be done, you will cease to hear anything more of the troublesome whites.

We invited Rev. Mr. Beaulieu and Mr. Fairbanks here this morning, and others, to see that our words were not misunderstood. We have granted your request that you should have your own interpreter.

You have been told that you will have to divide with a great many. That is not so. You divide with no one; others divide with you. Your brothers of the White Earth Reservation have sold more pine land to be thrown into the common pool than all you have got. The Red Lake Indians put into the pool twenty dollars and more where you put in one.

There are friends of yours here who can read and who know all this. There are men who have made you believe that this proposition was sent to you by your enemy. Would an enemy send you money in advance of the sale of any of your lands? Before a foot of your land is disposed of, the Great Father sends you $90,000 per year. Now, we can not tell you exactly how much that will amount to per capita, for we have not taken the census of all the Indians yet, but we have gone far enough to know that put on top of what you now receive it will amount to over $10 each—that is, for

every man, woman, and child. It is also provided that if you wish to have any portion of it expended in farming implements, it shall be done. If not, it shall be paid to you. But it is left to you to say whether you will have it all in money or not. Now, when each man, woman and child gets an allotment, how much will you have sold? What I have told you is just what you asked for in this paper, excepting that your Great Father, in consideration of certain matters being unsettled, will send you the $90,000.

These are matters we wish you to consider. Cast from you all you have heard contrary to what we say. The greatest responsibility rests upon you. Not only upon the chiefs, but upon the braves and the young men.

Big Dog. I am telling the chiefs to be very careful in what they say in their talk. I shake hands with you. This is a matter of the utmost consequence. I am speaking to the chiefs, the braves, and the young men, telling them to take into consideration that there are many here now who will not be here fifty years hence. Nor will those commissioners, by their looks. But there will be some people amongst them who will carry this out.

(Kay-ke-now-aus-e-kung made a speech to the Indians which he did not wish to go on record, in which he counseled further consideration of a treaty.)

Now-we-ge-shig. My friends, we now understand everything you have just said. Will you please not to hurry us, but allow us to deliberate on the matter.

Mr. Rice. There is nothing gives us more pleasure than the prospect of your being united, because otherwise you can not be strong, and I shall feel whenever a Pillager visits me in St. Paul, no matter whether he is an old or a young man, that I can take him by the hand, as I always have done. Now, that we have got down to business, we hope you will take in consulting all the time required. Any misunderstandings amongst yourselves must be settled by you.

An adjournment was then taken, at the request of the Indians, until 4 o'clock.

AFTERNOON SESSION.

Bishop Marty. This bill will benefit the old men, and it is especially arranged for the good of the young men. If the young men had now plenty of game, then I would say to them, as I said to the Sioux, "As long as you have plenty of buffalo, stay as you are;" but you know as well as I do that the game is fast disappearing, and that there will after awhile be none left.

During the fourteen years I have been with the Sioux the young men have concluded to take lands and go to farming, making a living in that way independently for themselves. Instead of going a great distance for berries, plums, or other fruits, they have in their fields and gardens whatever they wish of vegetables and other good things. Instead of running a great distance through swamps and over stumps and stones after moose or deer, they have the cattle right in their yards when they want meat.

The lands the Chippewas have are even better than those of the Sioux. But you need to make use of the lands, with horses, cattle, and farming implements of every kind. Among white men, if one needs anything, he has to sell a part of what he has, buying with the proceeds that which he needs. The Indians can not do that because they are not very smart at making a bargain and generally do not get a good price.

We have an example of this in the Indians of Lake Superior. They have sold their pine, and to-day are as poor as they ever were. Your Great Father does not want you to lose your land and your pine in the same way. He first wants you to have all the land you can use, and then wants you to sell the remainder, which can be sold on your behalf at the very highest price. With the proceeds he will buy whatever you need to make you prosperous farmers. I said to myself, in thinking it over, if the Sioux can succeed so well, surely the Chippewas, who have always been a peaceable and tractable people, can do well. So I conclude, although it is pretty hard to travel in this country, and I was very sick on my way back from Red Lake, because I am an old man now, I concluded that I would come and talk with you so you would not lose these advantages, but be benefited by it just as the Sioux are. So I am here now to explain matters and answer all your questions. This is an important moment in your lives, and we can not take too much time to ascertain what is best and put it into effect.

The Great Spirit who made you all wants you to have plenty in this life and to be happy when you reach the other world. He has given us reason so that we can see what is good and what is bad, and we must make use of that reason.

He has given us eyes; but if we shut them we do not see. If we use our reason we can discover what is best for us. I have already prayed to the Great Spirit to help you to understand what is best for yourselves and your families. I shall not give it up until I see you started on the right road.

Commissioner WHITING. My friends, I had purposed to say a word to you this afternoon, but the good bishop has come and has given you an interesting talk. As I believe you came this afternoon to ask questions of the Commission, I must not take up a single moment of your time, except so far as any inquiry may be made which I am able to answer.

Sometime before we part I want to speak a word so loud that every Pillager shall hear. The chairman will now give his attention to any question to which you invite it concerning this bill.

NO-DIN-AH-QUAH-UM (after addressing the Indians). It has been understood that any excitement or ill-feeling in these councils should be put aside, and it is essential that it should be.

We have always expressed our feelings relative to our friend who has paid us a visit here. We have expressed ourselves in such terms that it can not be mistaken that it was a pleasure to us to see him. Although circumstances have arisen which were unpleasant, it now seems brighter, and we will proceed to business on that basis.

While our friend was on a visit to the other reservations we heard that he had had a misfortune, having lost his brother, and that he had to go to St. Paul relative to that. We said that we would cast everything to one side which would cause excitement or ill-feeling. We have heard that there was to be an arrest here of a young man, on account of that transaction, this morning. We wish to know if that is a fact. We understood that his name had been put down. Just see; the Master of Life listens to us. We sent for one of our ministers to implore divine aid. We wish everything should go peaceable. Have we asked in vain? I ask for my satisfaction and that of others. Here is a bishop and a priest who have come here. They are men of prayers, and we wish everything conducted with peace and a good feeling.

Mr. RICE. I had supposed that all that had occurred this morning was buried.

RUTH FLAT MOUTH. I have been permitted to ask a few questions. I wish to know what will be the value of the land which troubles us so much and which was borrowed from the Pillagers? Also, what will be the amount paid for the damages done by the overflow, which destroys our subsistence? That is all I have to say. This is all I am permitted to ask. We wish to know what the prospects are of obtaining anything for the land which we loaned, and for the damages by the reservoirs.

Bishop MARTY. I am sure that when the attention of Congress shall be called to this matter that they will pay you a reasonable sum for the land you gave for the Menomonies. Congress never acts upon anything until the matter is brought up by one having authority and in whom they have confidence.

As we have been selected by the white people to come here and speak to the Indians in their name, Congress will listen to us when we speak in your behalf. The other two commissioners have already promised to bring this matter before Congress, and I am only too glad to join them in it.

The claims arising from the reservoirs are more recent, as it is only three years since the damages were estimated by commissioners appointed by the Government. It is now well known what your claim is, and it needs only to be brought before Congress to be allowed.

I told the men at White Earth why these grants had not been made sooner by Congress. It was because it was feared that the money would not do you any good; that it would slip through your fingers, like other money you have received. But when you accept this treaty and thereby show that you wish to make a fresh start, then the means will be given to you. If you accept this offer and sign the treaty, we can go before Congress and say, "Here is a people who are ready to make the very best use of what you give them. These men have sense, thinking not alone of the present, but of the future; not only of themselves, but of their children." We know that the majority in Congress, who are friends of the Indians, will be glad to hear it and will grant their petition.

O-GE-MAH. My friend, I wish also to ask you a few questions. My friend, do not let my words offend you. This is the first thing the Pillagers wish to know of you. It is because all these other persons, who have made these former bargains, our old men, our fathers, most of them have died off, and a great many of our young men think, and they think that they think right, that they ought to have these old affairs settled before they enter into any new arrangement.

My friend, when we heard that you were coming here, we thought that you were standing on top of what is due the Pillagers. My friend, I speak to you because I know you are in power. I know you have the strength, which is why the Pillagers do not want to step over the old affairs and begin a new one. Our fathers, who made the arrangement with you, told us always to keep in view the land that had been borrowed from us. "Some of these days, while he is living, just ask these questions," of you, my friend.

About the reservoir dams, my friend, you can not imagine the damages done to all our people in the way of subsistence. It is the sincere wish of all the Pillagers that you should be capable of managing so as to enable us to come to an arrangement relative to all these things. The men, women, and children demand it of you. Now, my friend, do not be surprised at what I tell you. The reason there is so much trouble with these Pillagers is the promises and the faith that has been broken with them; so many promises made have been broken that they are suspicious about any promises made to them now.

Now, my friend, I shall talk to you of something else. At the time the Pillagers went down to Washington and ceded a large portion of the country there was a promise made of some money that should go to one side—the utility fund—for the use of the Pillagers here. My friend, I am a little foolish, and if I had not been I would have saved the paper which was given to me in St. Paul. What I allude to in that paper. I took $300 of the money to bring me here when I was coming back. That, my friend, is what these Indians ask of you to-day, the utility fund. The Pillagers say that they wish our friend would cause that money to be placed in our hands.

At another time when they were paying me here, they used to put some money into my hand for the services of my band, but while they were paying me that money disappeared. Why does our Great Father take away from us that which he had promised to give us? I never take back any land that I once sell him. That is all I have to say, my friend. This other man will now speak to you.

Mr. RICE. It is very hard to answer some questions. It is sometimes very difficult to give reason, even when you think you have them. In regard to the land you lent and in regard to the reservoirs, I have done all I possibly could to keep the matters alive and keep them on the books. But you all know how it is; when you see a big thing little things are lost sight of.

If we could do so, we would take all these back matters and put them into this, but as I explained to you the other day, should we do it, the whole thing must go back to Congress, and how long it would remain there no one knows. But as it now stands, if it is successful here, the President's signature makes an end of it. But the Great Father told us to listen to all you might say, put it in writing, and send it to him that he might look it over, which we hoped would be satisfactory to you.

After we received our appointments we met in St. Paul, and spent several days consulting as to what course was best to pursue. When this business is disposed of, we can all go to work and see that justice is done as to past transactions.

Council then adjourned.

SEVENTH COUNCIL AT LEECH LAKE.

AUGUST 15, 1889.

O-GE-MAH. What I want to say on behalf of the Pillagers is that matters should be pointed out to us in such a way that it will be impossible to misunderstand. It is absolutely our wish, and we covet to understand this matter thoroughly. We will, during the day, point out the different points on which we want information.

NO-DIN-AH-QUAH-UM (after telling the Indians that they should begin to ask questions). The time has arrived when you should explain once more the whole nature of this agreement. How many bands will be included in this agreement of consolidation? How much will each person, including the children, be entitled to? Will it fall to our lot to remove from this place? Will there be any land left for children who may be born hereafter?

Bishop MARTY. As the other two commissioners have already spoken to you of these matters, I will talk to you this morning. You will see that we have the same understanding, because I will tell you just what has already repeatedly been said. All the bands of the Chippewa Indians in the State of Minnesota are included in the consolidation. You are one people, and Congress wants you to be all treated alike. It is also the will of the Great Spirit that the Indians should be one family, one people, and that they should love each other as brothers. Is that a satisfactory answer to the first question?

O-GE-MAH. I understand that.

Bishop MARTY. The second question was whether you would be allowed to settle here or would have to go elsewhere. Congress offers you the privilege of remaining here or going to White Earth. After you are once settled permanently you can not be removed. There is a great difference between this and all other treaties heretofore made, when men would come from the Great Father to you and leave after making promises and never come back. If that had been the plan this time I would have had nothing to do with it, as, if it had been like other treaties, a later messenger

might have repudiated what we do. We three have been appointed, not only to get your consent, but to make allotments. Every one of you is to take the land to which he is entitled, when we will make report to the Great Father and procure the patent for him. Our work will not be done until each man has the writing for the land which he and his wife and his children own. You will then hold your land by exactly the same title as the white man. To make sure that you do not lose it no white man can buy it for twenty-five years. So the land you select is to be yours forever, and it will be free from taxes for twenty-five years.

No land will be reserved for children born after the allotments are made, because every family will have so much land that it will be sufficient for them and their children. When a father or mother dies the land will go to the children, and when a child dies the land will go back to the father and mother, and when the parents are dead it will go to the brothers or sisters. There will always be sufficient land because it will remain in the family. Does the speaker understand it?

NO-DIN-AH-QUAH-UM. Yes.

KAY-ME-WUN-OUSH (after telling the Indians that he did not wish his motives to be misunderstood by them). Well, my friend [Mr. RICE], I suppose it has been ordained that we should meet. It must have pleased the Master of Life that we should ask these questions of each other. I shall inquire for the benefit of all the Indians and the mixed bloods. At what time will the allotments begin to be made where you visited before coming here? When will the Indians be in possession of what you promise them? Will the Indian select for himself, or will a white man select for him? When is there a chance of our receiving remuneration for the land we loaned the Government? That is all that I have to ask at present.

Mr. RICE. In regard to the allotments, you can take them at once. After this agreement is concluded, you need not wait a day. You are allowed to make selections yourself, for yourselves and for your children. Your agent is authorized to select for the orphan children. I suppose he will consult with you. He is here and can speak for himself.

We received news yesterday that the White Earth Indians were tumbling over each other in their haste to secure their allotments. Their land is, however, surveyed into lots, which yours is not as yet. The law requires that whenever your lands shall cross a line there shall be just settlement between you before the deed is given, but that does not prevent your taking possession at once. One of you may have to move a little to one side or the other in order to let the Government lines come straight, so that you will always know where your boundaries are. The money is already appropriated to make the survey, and as soon as that is done we are authorized to come back here and give you your papers.

The head of the family must take his 160 acres in one place, but he can locate his children around wherever he pleases. That is arranged so that you may have agricultural lands, sugar bush, hay lands, whatever you want. If we can get around in time the survey will probably be commenced this winter, as the money is already in the Treasury. We understand that the outside lines have been run, and if so, it will not take a great while to subdivide into smaller tracts.

In regard to the land that I borrowed of you so many years ago, all that we can say is that we will go to work at once and see what we can get for you. We give you our word that we will do the best we can.

WAY-ZOW-WE-GWON-ABE. I have also a few questions to ask our friends. Will there be any pine left for the use of the Indians on this reservation? Another thing, I am very deaf; so deaf it is hard for me to understand. That no one will be deaf, but that all these Indians shall understand, we wish as definite an answer as possible. We do not wish to hear the words "may be" or the word "if." Referring to this new payment, how much do you suppose will be actually received per capita?

Mr. RICE. We know that out of the $90,000 which your Great Father lends you, each man, woman, and child will receive nearly $10. We do not know exactly, because we have to take the roll as we go along. We know it can never be less, because after the sales of the lands begin the amounts paid you will increase. It will continue to increase until the sales, less expenses, shall amount to three millions. It will be different from other treaties, as instead of decreasing the amount coming to each will increase.

In regard to pine, we have already recommended a mill for Red Lake and a mill for White Earth. We shall also recommend one to be built here, and if successful you will have lumber to build houses and for other purposes. But after the fund shall amount to three millions you will have money to buy whatever may be necessary.

KAY-BE-WUM-OUSH. Sometimes I feel it a burden to be pushed forward so much to ask questions, but I have so much to say. There is another thing that all these Indians

and mixed bloods ask of you. The land that our fathers ceded to you in Washington, and which we are still in chase after; at the time of the cession in Washington I was there, and remember having seen you sitting with the commission. The Pillagers have different stories and versions of it. We wish you to state what the size of the reservation for the Pillagers was. Sometimes it appears to me like a meal of victuals, as it were. The more you eat out of that meal the less there is, and it seems as if sometimes this meal of ours is large, and at other times it appears to have dwindled into insignificance. Is there any one who has taken a morsel or a bite out of that, so as to make it look small at this time? I remember very well the time the paper was handed over to you to read about the lines of the reservation. That is all I have to say.

Mr. RICE. I remember very well all about the treaty. I have it over here in my room. There has never been anything intentionally taken from you under it. I have sent for the treaty and will read the boundaries to you. While I do not know that there was, there may have been some little mistake in the survey, owing to the change in names. An Indian stated that the blame would rest upon the surveyors.

The boundaries, in the treaty of 1855, began at the mouth of the Little Boy River; thence up said river to Lake Hasler; thence through said lake to its western extremity; thence in a direct line to the most southern point of Leech Lake; thence through said lake so as to include all the islands. That is for the Pillagers of Leech Lake.

The executive order of President Grant, dated November 4, 1873, recites the following: Beginning at the mouth of Little Boy River; thence up said river to the first lake and to the southern end of the second lake on said river; thence in a direct line to the most southern point of Leech Lake.

The additional land described in this Executive order was to be withdrawn from sale or other disposition and set apart for the Pillager Indians. So this reservation has been growing larger instead of smaller.

(A map was then produced and the reservation lines or boundaries shown upon it.)

(John Bassett then pointed out on the map the way he said the Chief Flat Mouth understood the lines of the reservation.)

JOHN BASSETT. Is that in accordance with your understanding of the treaty of 1855?

Mr. RICE. I do not know any more about it than is indicated on this map.

NOW-WE-GE-SHIG. When Jim Whitehead was here he told the Indians there was a place there where there was very nice pine, near Little Boy River. He said not to mind it, because the time would come when this matter would be remedied.

Mr. RICE. That is why this Executive order was made, to include that. That was made sixteen years ago, and is just as you wanted it then.

NOW-WE-GE-SHIG. We were never told when or for what cause that piece was cut off by the surveyors.

Mr. RICE. It was a mistake in the name of the lake, but the order of the President gives it back.

KAY-ME-WUN-OUSH. Every one don't understand; when was this Executive order issued making this larger?

Mr. RICE. November 4, 1873; sixteen years ago next fall.

KAY-WE-WUN-OUSH. There is no time lost in these questions. How small was the reservation before it was enlarged by this Executive order?

Mr. RICE. What the President gave you then was 18 miles long. It was 6 miles wide at one end and tapered down at the other end. About three townships were included, some 70,000 acres of land.

KAY-WE-WUN-OUSH. We are particular in asking this because some white men are locating and settling inside the reservation lines. They have camped and selected some very nice pineries.

Bishop MARTY. That would not do them any good, because they can not hold such land.

AFTERNOON SESSION.

O-GE-MAH (after addressing the Indians). My friends, no one urges me to speak. I have been a listener here. There are only two sentences that I shall utter. Although the matter has been submitted to you since the beginning of these councils, we wish once more to ask at what time, in your opinion, shall we be paid, if it can be effected, for the money for the damages by the dams? That is one question. As far as I am concerned, I have put every other thing into my heart, and I accept everything you have told me. That is all I have to say. (Addressing the Indians.) You must speak very frankly and openly, and if you have anything to ask, it will be listened to.

Mr. RICE. The Great Council meets this fall. We are in hopes to get everything before your Great Father before the Council meets, and have him recommend for

adjustment to the Council the reservoir and all other unsettled matters. We hope the appropriation will be made next winter, so you can get it early next season. We shall say to the Great Father and to the Great Council that if you ever will need it it will be next spring.

Bishop MARTY. I told you yesterday that one reason Congress did not send you the money was that they were not sure you would make good use of it. At present your situation is like that of a pail without any bottom, in which no water will stay no matter how much you put in. No matter how much money is given the Indians, as they now live they are always poor; but this treaty, when accepted by you, will be like putting a solid bottom in the pail, so that we can then tell Congress that money may be paid and will remain with you. If we can tell Congress this winter that you have accepted this, and are going to work and make good use of what you have, they will pay what is due you. If you should not accept this, your friends in Congress would have no strength, but if you all take hold of this you can make us strong, so that we can do this for you.

KAY-KE-NOW-AUS-E-KUNG (addressing the Indians). The words uttered by that man are rather a surprise to us. I do not wish to say anything to antagonize his words, but that was not the understanding at which we had arrived. We had something else to say, but let us beg a little indulgence to allow us to think over the matter more thoroughly, and to-morrow will be the great day of the negotiations.

WAB-ON-A-NO-NE. Now that you have stated the object of your mission, and questions have been propounded on both sides, we have arrived at a crisis where we must understand each other. All that I have to do is to look to my chiefs here who are going to regard the interest of the children hereafter, and for what will be our support in the coming time.

KAY-KE-NOW-AUS-E-KUNG. I wish to relate facts only as I see them. I wish to state them to Mr. Rice because he is a very old friend, and knows a good deal of our business. It can not be possible that our friend, Mr. Rice, is ignorant of the burden that he was carrying when he came among the Pillagers. The Pillagers had this idea all the time—that they wished to have that Leaf River matter settled, and also the dam arrangement. It also depended a great deal upon that being settled before they made any new arrangement. They had made up their minds that there should be no arrangement until these back affairs had been settled. Had they been you would have achieved your object immediately. The Pillager Indian made up his mind that he would accept no proposition otherwise, and this was their ultimatum. [Shaking hands.] There is just one thing that I regret, and that is that the Government did not have you bring to us a big bank check.

Adjourned.

EIGHTH COUNCIL AT LEECH LAKE.

AUGUST 16, 1889.

NO-DIN-AH-QUAH-UM. I wish to state that I think that what those commissioners bring is a very heavy load, but I understand it. I have been advised by no one. No one has invited me to touch the pen. What I have said is of my own volition.

I should have a very small allotment of land myself, compared with those who have large families. When we heard that our friend would arrive here, we prepared to receive him as he should be received. The emblem that I see floating above us, that is the sign of good feeling, of peace, and friendship. I thoroughly believe that it is the intention to fulfill everything in the agreement. We ought to be guided by the course of our relatives who have accepted this agreement. I myself believe that it is all done in good faith and that the Indians can rely on the fulfillment of everything that has been said. We are told that if we accept the propositions made the matter will be laid before our Great Father in sixty days, at the time when the first snow falls. We call upon the bishop. He is an apostle of Almighty God, and would of course not say otherwise than as God told him. I will ask these commissioners to raise up their hands and say that they will fulfill the arrangements made, if they are serious with us. I understand that just as soon as I get my allotment of land in severalty it will be like a rope put on me and I will be attached to it so it can not get away. Also, that we can then, like white men, go here and there and fear no one's menaces as long as we behave ourselves. We do not understand that the lands in severalty will chain us to our places. It seems to me a very difficult task to have all the land allotted around this lake so that no one can come inside the land we have marked. I think that the Great Father is about to utilize that land on the other side here, that which belongs to the Chippewas of the Mississippi. Do you not know that we were told we did not own a single foot of land on this reservation? As I understand it, the United States, on account of its sovereign power, owns all the land in the State of Minnesota. When I was a young man I went to

the Pembina settlement and saw there the stake that marked the international line. On one side of that stake was one power, the power of our Great Father. My wife is a Mississippi Indian, and is entitled to the Mississippi lands. There is nothing left there, because the whites have robbed that section of the country of everything that is of any value. The Leech Lake Reservation is the place where I should want to abide.

Mr. RICE. What has been said by the man who has just spoken is the truth. We are not only ready to attest it here but also to attest it before the Great Spirit. The white men go into the country in advance of the surveyors. They are permitted to remain there, but they do not own the land until it has been given them in allotments.

There is one point upon which we must understand each other, and that is in regard to the reservation here. You will be permitted, before the Great Father takes possession, to take your allotments. No white man will, under no circumstances, be permitted to come in here and take any piece until you are all satisfied. But after you have got your allotments you have nothing to do with what is left. That is the point I wish you to understand. As to going where you please, you can do it as well as the white man and under the same circumstances. When a white man travels he must behave himself. That is your only restraint. You will be permitted to take your allotments in White Earth if you wish to. Not pine, but you can take the sugar bush, or any other timbered lands you want. We propose to make a paper covering all these points about unsettled matters. Then you will know what we have promised. We will not only sign it, but a witness will sign it, and we will have it put into the paper we send to Washington. We do this so there may be no dispute after we are gone.

NO-DIN-QUAH-UM. I insist upon the raising of hands as to what I told the bishop. (The three commissioners then rose and raised their hands in affirmation of the promises made, the chairman saying: "We promise to do all in our power to carry out the understanding.")

Mr. RICE. You have been deceived and disappointed many times, so that I am not surprised that you should put us to this unusual test.

KAY-KE-NOW-AUS-E-KUNG (after telling the Indians that the commissioners had given the strongest possible test). The reason we take so much pains in this matter is that the Government has never fully kept its promises to us in the past, and I can not be blamed for doing so when I am acting for my own benefit and for my own interest and the benefit and interest of my children.

KAY-ME-WUN-OUSH. My friends, the Pillagers, what slays us is the false promises of men who have come here to misrepresent things to you. I wish to ask you what has become of that which I and my children use for our subsistence and which gives us a living? Can the Pillager Indian go on the other side of this lake and select his allotment? This lake here is what the Pillager likes, here and the other side. That is the reason that the Pillager raises his voice in supplication. Another thing: If an Indian should go outside of the reservation, where the land is not occupied by the whites, could he take his allotment there? And how is the $10 mentioned to be paid? Now, here is the point: We have chiefs and leaders of our bands. They say that as soon as we receive our allotments we cease to be chiefs. I wish an answer.

Mr. RICE. In regard to going off the reservation, the law says that an Indian belonging to no reservation can go anywhere on lands not already occupied to take his allotment. That by doing so he is not deprived of his annuities. But you can not make a selection in both places. I have told you the words of the law exactly. But as you have a reservation of your own, I do not know what construction your Great Father would place upon such cases.

In regard to the money, it will be paid to you here; that is, to such as remain here. Those who go to White Earth will be paid there. We think it will amount to about $10.

As to the rumor about your chiefs, I have heard nothing. We are ordered to leave the decision of questions under the census to the chiefs, and that will have an important bearing upon the payment of the money and the selection of land. No government, of whites or Indians, can exist without leaders, and I can not understand why anyone should wish to disorganize you. When the time comes for making the allotments and carrying out this arrangement we wish the assistance of every man—the young men and the chiefs—and we want it arranged satisfactorily to everyone.

NO-DIN-AH-QUAH-UM. If a person in taking land wishes to take his own field, can he also take some sugar bush? Could he make two selections?

Mr. RICE. If there is no more than one in the family, of course the different selections can be made.

NO-DIN-AH-QUAH-UM. What is meant by the "head of the family?" Does the wife come in as another person under the law as to allotments?

Mr. RICE. Yes; the law says, "The head of the family and other persons."

Commissioner WHITING. A man and his wife can take their allotments adjoining if they please, and then the allotments of the children can be taken elsewhere if desired.

KAY-ME-WUN-OUSH. Now, my friends, I am getting to be an old man, and you see many before you who are advancing in age. How do you suppose these old men are going to make any progress with their lands in severalty? Also, how will the money for the damages from the reservoirs be paid us? This was talked over three years ago, and three years before that. That was the cause of our poverty, as it took from us everything upon which we depended for our subsistence.

Mr. RICE. As to the reservoir money, we think you had better let that stand just as it was in the old treaty. In that $100,000 was paid to you and $50,000 to the other Indians. It may be possible that your Great Father will be willing to add the interest, but do not expect it, as we do not promise it and can only say that we shall try to get it. But that which is coming to you will be sufficient to furnish you with something to ride in. That, with the $90,000, will give you a good start.

NO-DIN-AH-QUAH-UM. In shaking hands with the chairman I shake hands with you all. Every one must understand the explanations made about the dams. Since the dams were built, however, we have been unable to get two crops of rice. As to that money, we are imposing many tasks upon you, but wish this matter of the money for the dams to be the heaviest one. We would like some assurance from you on this subject.

Mr. RICE. After we get through this business the matter of the reservoirs is the hardest job before us. We will do all in our power to have the wrongs redressed which have been inflicted upon you. If we can clean up all these matters next winter, we will come back feeling like young men again. All that has been said has been taken down on paper and will go to your Great Father. If we neglect any duty you have imposed upon us, it will be known not only to our posterity, but it will be known above. As we proceed during the winter we shall write to you, so that you will know just what we are doing.

STURGEON MAN. Those who did not sign the last agreement have asked me to talk for them in this matter. The men who held the councils in that schoolhouse three years ago, the Northwest Commission, they are the very men who asked me to go and pay a visit to our friend, Mr. Rice. At the time I refer to Now-we-ge-shig, Chief of the Mountain, and John Bassett were with me. We were promised at that time by the commission $100,000 for the Chippewas of Leech Lake and $50,000 for the Chippewas of the Mississippi. That was three years ago. We said then we did not want to set any price relative to that, but that we would wait until some other time. We told Mr. Rice that when we paid him a visit. Our friend, Mr. Rice, asked us, "What did they say to you about the dams?" We told him what we had been promised, and then he asked us, "What answer did you give?" We said that we did not wish to comply with the treaty. Hence we think that the question is still open. It is three years since that time. We think now that as we did not wish to comply with that treaty of the Northwest Commission, and as it was not ratified, we do not think that the award for the damages has been agreed to by us, as we did not sign at that time. Six years ago there was another price fixed by the commission—the Blakely commission. We expected that that would be the award. There are a great many here who do not wish to accept this arrangement now. All the chiefs are rather timid about the matter. They do not dare to say a word. It is time for us to think over the matter. There are a great many who wish to accept the arrangement. It is time we tried to come to some understanding. I have heard many say they were in favor of the propositions, but we are waiting for each other, and should try to do what is best for all. We are always thinking of the raid. After this let us always do what is best for the Indians. If we see this is good for us, let us look out for the children, and let us not lose a good opportunity. I speak now very seriously. I think it is about time that we should make up our minds and bring this wrangle to an end.

WOB-ON-A-QUAY. Let us try to come to an understanding. We should be united, but we should not be too hasty.

KAY-KE-NOW-AUS-E-KUNG. Will the man who does not sign have a right to participated in what is sent to us? And if I should sign, may be a great many of my band would leave me. How do you view that matter?

Mr. RICE. If we should say that these who do not sign should not participate in the benefits, it would be a threat. All such matters were buried the other day, and we will keep them out of sight. No distinction will be made between the man who signs and the man who does not. When the money comes, those who have not signed will probably change their minds and take their shares.

Adjourned.

NINTH COUNCIL AT LEECH LAKE.

AUGUST 17, 1889.

RUTH FLAT MOUTH. I have come here again for the purpose of speaking with you about the arrangement you bring for our acceptance. I view it favorably, and I wish to say that I am very much delighted with it. I want to know if it is the desire of the Government that all those who are living on the different reservations should participate with us. The time at which I said I would sign has twice passed, and I feel as though I had been talking in vain, and I wish now that the pen should be handed to me that I may sign. I say this as a figure of speech, but I will do so at 9 o'clock on Monday morning, when I hope there will be no more drawing back.

KAY-ME-WUN-OUSH. My friend, we beg of you to have a little more patience. Do not get tired of us. After you have left we should be sorry had there been any question unasked and unanswered.

My friend, I wish to state something relative to the dam. We wish to know whether the payment of the damages will stop with the payment of the $100,000. You speak of the interest on the money. Can not our Great Father put a little kettle on the fire and make a medicine which will cause that interest to *grow!* Whenever I have any patients to attend I put *my* little kettle on the fire and make it boil, when I do not fail to achieve my object if the medicine is good.

Mr. RICE. In looking over my papers last night I found that two commissions had been appointed. The award of the first commission was thrown aside without being considered at all. We have examined the last award and the amount put into the treaty which has not been ratified, and with those we shall do the best we can. We will tell the Great Father that a bottom has been put into the "kettle," and that it will hold a great deal. We will tell him and the Great Council how you are situated, and that with the help you need you can advance rapidly.

As we expect to return here, we will do what we can to make you glad to see us again, which is all we can say upon that subject.

KAY-ME-WUN-OSH. There is another matter. There are still two of us who went to Washington at the time I refer to. It is about what the Mississippi Indians did when we were down there—about the land on the other side. I recognized you when this arrangement was made in Washington. We wish you to state about that cession of the Mississippi Indians—about the property on the other side—the piece north of the lake.

Mr. RICE. The treaty of 1865? I was not in Washington at that time, and had nothing to do with it. I was there in 1863, when the treaty was made, and this was concluded afterwards. Then they ceded the Gull Lake, Lake Pokegamon, and Rice Lake sold all the land and took this north of here in place of it. They found afterwards that there was land that was good for agricultural purposes, so in 1867 was sold, the western portion of it, for the White Earth Reservation, but kept this immediately north of you. That is the way it was brought about, just exchanging twice. Is that satisfactory?

KAY-ME-WUN-OUSH. Yes, sir.

NO-DIN-AH-QUA-UM. I am yet capable of working, and if I was incapacitated I would not mention this. There is one essential thing we would like you to get for us, and that is a mill. If we have a mill I should not like to sell the whole of our pine, so that we may have something to depend upon in building.

It would also be well if we could have the boundaries of our land defined. We are now blind as to how our lands shall lie. We hope that as soon as those arrangements are completed you may be pleased to use your influence so that we can have a mill, when we can progress at once.

We would like to know when, in your opinion, we may expect a revenue from these negotiations, the $90,000; how soon do you think it will reach us? During the fall or in the beginning of the winter there is an annuity payment made here. If this money was not here at that time, many would say, "See, we expected that money and it is not here."

I suppose it is because we have increased in number that we get a less amount as annuities than we used to. I do not speak for myself, because I am barren. We are told that we are increasing in numbers on account of the number of births, but we think the number of deaths are greater. It would be a good thing to talk to the lawmakers to make the amount of the annuities a full sum instead of $4.80. It ought to be a full $5.

Mr. RICE. At Red Lake we examined into their affairs, and found they had not even a board. They once had a mill, but it was rotted down. We found the same situation at White Earth. Their mill stopped only two years ago, and they have not had a board sawed since.

Upon inquiry we found that your agent had written to Washington urging that a

mill be sent at once to Red Lake, and also one for White Earth, so they are now prepared to start anew we hope. And when we got to Brainerd we wrote as strong a letter as we could to have a mill sent to each place at once.

You are in greater need of a mill than they are. We tried to purchase a board the other day and might as well have tried to find a silver mine. When we saw here the remains of the old mill it reminded us of the carcass of a buffalo that the wolves had nearly eaten. We should have asked for a mill for you, even if you had said nothing of it. Whatever else you may have, you can not get ahead unless you have a mill.

That man over there spoke the other day of your pine. We intend to recommend for each of these three reservations that the President, when he knows what pieces to stake, shall reserve enough for your use. There will be nothing taken from you, and nothing will be done until you get your allotments.

NOW-WE-GE-SHIG. My friend, the words which our woman here, the queen, has said she would to-morrow, those are the words I say to you. I know that you will accept the words that I speak.

Mr. RICE. You have asked so many questions that I have forgot to answer one about the $90,000. There is no reason why the money should not be sent as soon as the Great Father has approved what we do.

KAY-ME-WUN-OUSH. Before I sign you will have the papers ready for us that you said you would leave with us. We had intended that our mixed-blood there should take a copy of that. My friends, we shall not be the first to touch the pen. You must touch the pen as commissioners first. That is what the people think who will sign. You said that you will do as you think proper. If there is anything in the paper that you leave with us which should not be fulfilled I shall feel badly. My friend, I hope you will take no offense at what I have said.

SHE-NING-GO-GOWN. My friend [Mr. Rice], do you recognize me when you look at me? My friend, I saw you at the old place. You and I were young men when we met there. I can not recognize you on account of your age—you looked so young when I saw you. That is my queen that is sitting there. I am the man that stood by the head chief Flat Mouth when you borrowed that land from me. I stood right by his side. When he got up he said, "Get up and stand by my side when I am talking with him." This man [indicating Paul H. Beaulieu] knows me well, and it is well known that I was the supporter of my chief while he was living. When you borrowed that land from my old friend Flat Mouth, you told him that you would pay him five years, but you did not stop on the fifth year; you paid him six times instead of five. You told him that you wanted to put the Menomonies there, but they were not put there. You told my old chief that when the Menomonies were well settled there—if I recollect right, you said, "You will then have what your land is worth." My friend, I have not heard what price they asked you for that land. It was our Great Father that sent you here at that time. My friend, I wish to say that I do not wish to put any obstacles in the way of this new arrangement that your Great Father sends you here to achieve.

Mr. RICE. I was glad, not only to see but to hear your old warrior. I remember well my first arrival at the old fort here. I was greeted, before the boat touched the shore, by guns. They had in them more than powder; they had bullets in them. I know at that time that they were all warriors and all great hunters, and I knew they were friendly bullets, for none of them hit me. I witnessed there, at that time, a scalp dance, the scalps having been taken from the Sioux. I did not ask who brought them, but they were many. I do not know but our old friend here brought them, for he brought a great many. I remember well his being the friend and supporter of Flat Mouth. He stood by the chief's side all the time I was here. It makes me feel young to again meet him, as it carries me back to the time when we first met. I hope the Master of Life will spare us both until the work we have begun now is finished, and if so, our last meeting will be as pleasant as our first one.

WAY-ZOW-WE-GWON-ABE. We have forgotten to mention what might be expected from the tamarack lands. The cedar is a very valuable tree, as well as the tamarack tree, and there is a large amount on this reservation. How is that to be disposed of?

I have always behaved myself and so have a good reputation, and I want to say that heretofore, whenever we have laid anything before the agents, all that they would content us with was promises, the fulfillment of which we have never seen, and it would be better if those promises were never made. If everything had been fulfilled that has been promised to the Indians here you would see this place more prosperous than it is and more advancement, but as you see the place now the whole settlement is in ruin. That is all.

SONG-GE-GE-SHIG. I speak for the Cass Lake Indians who are here, and wish to know if you are going to stop at Cass Lake, stopping on our shores, holding council with us, and having a talk with us.

Mr. RICE. It is our intention to go from here to your village.

SONG-GE-GE-SHIG. We will meet and have a pleasant talk there.

Mr. RICE. I shall be glad to see the old ground again.

KAY-KE-NOW-AUS-E-KUNG. My friend, when do you think you will pay us another visit? Will you bring another secretary when you come again?

Mr. RICE. I expect to bring some one. Whatever business we do will be put down on paper.

KAY-KE-NOW-AUS-E-KUNG. I want to know if you are going to bring more papers to sign.

Mr. RICE. No. The papers for the land will be signed by us.

KAY-KE-NOW-AUS-E-KUNG. I want to know if the signing is stopped when you leave here. If I should not sign at all would you give me anything?

Mr. RICE. Just the same. The only difference would be that you would be eating of a deer that you did not help to kill.

KAY-KE-NOW-AUS-E-KUNG. If I should not sign, would I be allowed to go to Washington?

Mr. RICE. That is a question that I could not answer. Indians are not, however, allowed to go to Washington. I suppose you mean a delegation. The reason is, that Indians have gone there and sold their land, making agreements of which their people knew nothing.

KAY-KE-NOW-AUS-E-KUNG. That is the truth.

Mr. RICE. Your Great Father is determined that no transaction with a band of Indians shall take place hereafter without all of them knowing of it.

KAY-KE-NOW-AUS-E-KUNG. That is right.

Mr. RICE. A great deal of trouble arose from Indians going there and transacting business, which they did not understand after they got home. The trouble at Mille Lac has been brought on by that very thing. Your Great Father told us to answer all your questions, putting it all on paper to send to him, and to leave nothing untold. He did not wish to hear any complaints hereafter about misunderstanding.

KAY-KE-NOW-AUS-E-KUNG. They are a little ahead of me at Washington, and those are exactly my own views. The reason I ask is, that I have only one child, and I wish to leave a memento for him and prepare him for the future. To-morrow, or day after to-morrow (Monday), we will get all ready for signing. It is not for a long time that I shake hands with you.

WAB-ON-A-ON-SE. I hope you will forgive me for not shaking hands until I get through talking with you. I do not wish any answer to what I am going to say. I get up to beg your indulgence, and that you will not get impatient with us. We have asked a great many questions which would exhaust anyone's patience, but we beg you to have still a little more. I say this so that anyone can ask questions, and that there may be hereafter no excuse for not understanding this. Have pity on them on account of their ignorance. There are a great many who do not know anything. It is difficult for them to understand, having no perceptive powers. You can see how ignorant they are when they are capable of making the demand that you should raise your hands. This is ignorance, and you must remember it in dealing with them. But the raising of hands impressed everyone here. I for one was greatly impressed, and I said, "These men would not raise their hands unless they meant it." That very action opened my eyes, and I saw right before me what was good for my children. I saw the education and progress which civilization brings—I saw that at a glance, after the raising of hands. There are ten of our chiefs who have made up their minds and proclaimed that they would accept the propositions made to them. I have been advising them not to forget to ask all the questions, as it will assist in a mutual understanding to have them all answered.

Council was then adjourned until 9 o'clock, Monday, August 19, 1889.

TENTH COUNCIL AT LEECH LAKE.

AUGUST 19, 1889.

Mr. RICE. We have the papers promised you on Saturday, and have brought two just alike. The interpreter will make their contents known to you.

(The interpreter read the paper containing a statement of the claims of the Pillager Indians of Leech Lake, after which one copy was given to Ruth Flatmouth, and another to William Bonga, who is designated secretary of the band, and who is told by the Indians present to remember that the paper is not his private property, but must be shown whenever they wish to see it.

Ruth Flatmouth then "touched the pen" to signify that she wished her name appended to the agreement offered by the commissioners, and stated that she wished to say a few words.)

RUTH FLATMOUTH. I wish to say a few words on behalf of my people. I wish to have it understood that you will use your influence so that no spirituous liquors shall come upon this reservation. It is the ruin of a great many of our people. During payments here it takes away the subsistence intended for the children. The money is thrown away for liquor. Not only that, when a man is in debt who has been furnished supplies, he pledges his word that he will pay at the time of the annuity payments, but the debt remains unpaid because of the appetite for liquor.

It is my wish also that I should be buried where my ancestors are buried.

SHING-GWON-A-QUOT. I wish to say, as I sign, that I want my bones to remain on this reservation.

O-GE-MAH (signing). The whole thing has been understood thoroughly to my satisfaction, so that I have nothing to say. But I think the chiefs here should all sign first.

Mr. RICE. We did not understand your arrangement, and you did not speak of it. Let all the chiefs sign first.

(The chiefs then signed in order of rank, the other Indians following them.)

KAY-KE-NOW-AUS-E-KUNG. I wish that there should be a spot selected so that we can make a town of our own, like Brainard, where a town can be laid out for us, not only when payments are made, but to be a central point in winter.

This big point on the other side is the place we would like to reserve, because there is lots of hay there, and it is not very large, either. Maybe the time will come when there will be no common for the cattle, and that will make a good one. It will be beneficial to all. This is an important matter.

Mr. RICE. In regard to the town site, it is supposed that that will be fixed by the agent after deciding where the best place is. Is that satisfactory?

KAY-KE-NOW-AUS-E-KUNG. Yes, sir.

Mr. RICE. That point over there is open to you all. A number of you can take it in allotments.

KAY-KE-NOW-AUS-E-KUNG. It will make good farming land. There is a place there where we can get good pine for ourselves, right opposite this place. It is called Pine Point.

Mr. RICE. Is that the wish of you all?

(The Indians said "yes.")

(Mr. Rice then added a clause to the statement or list of claims, in regard to the land on Pine Point.)

KAY-KE-NOW-AUS-E-KUNG. I want it understood that I am not talking for the Indians who do not wish to comply with the wishes of the Government, but I am talking for those who are signing now.

(Now-we-ge-shig, saying that he does not wish what he says to go into the record, stated that he did not quite know what position he would assume. He called for the chiefs who will sign or have signed, to rise, whereupon eleven chiefs stood up.)

NOW-WE-GE-SHIG. In shaking hands with the Bishop, I shake hands with you all. My friend [Mr. Rice] instead of its being buried in oblivion, we wish you to work for remuneration for the border land—the Leaf River. My friend, we know that when you have anything to do or a point to carry you are strong and determined in your efforts. My friend, take all these fragments that are troubling us so much, and use your influence to gather them together, so that when you come to see us again, you can open your arms and we can see what your success has been. My friends, if that should not transpire—if you should fail to carry out the object—we should all be very much ashamed, all of us.

Mr. RICE. So shall we be.

NOW-WE-GE-SHIG. My friend, when you return have pity on those who do not sign, instead of being against them.

O-GE-MAH. A great many who were present at the time of which I speak are dead, but it seems to me as if it were transpiring this very day, it has been so strongly impressed upon my mind. There were the whites on one side and the Indians on the other. I felt for both, as I was in the center when there was danger in the situation. At that time the Mississippi Indians were altogether to be blamed. They came very near leading me astray, but the demonstration made was their own doing, not mine. When I saw how the matters were going I took hold and made a stir. The President thanked me that there was no blood spilled there, and it was all owing to my efforts in stopping the raid. My friends, the great chiefs told me that whenever I had a request to make, to make it. You remember that very well.

Mr. RICE. I do.

NOW-WE-GE-SHIG. That is the reason that I beg of you, if any of the chiefs do not sign, do not go from here with a bad heart. So far as I am concerned I do not promise that I will sign, but towards the last I will make up my mind what I will do.

My friend, I will say again that we have the utmost confidence in the commissioners. We wish you to work for us so that whenever you come again to visit us you will be able to open your hands and show us the proceeds of your work.

Mr. RICE. We have listened to your words and know that they are correct. I know of the promises made by the President, and all the white men in power know it. Your words are all carefully taken down, to be read throughout the country. When they are printed at Washington we will send copies here, so you will know what has been said.

(Mr. Rice then read the addition made to the list of claims.)

KAY-KE-NOW-AUS-E-KUNG. I am addressing the Pillagers. I signed for the Northwest Commission, and it did not amount to anything. I am now about to sign again, and if this don't amount to anything I would rather be taken and strangled by the neck with a rope. Now, what I am going to sign; I hope what I have been told shall come to pass. I hope you will get the two-thirds majority. That is all.

NOW-WE-GE-SHIG. My friend, a great many of my band told me that they would not sign, and I do not own them. You can not imagine how pleased I am with the assurances you have given. I now shake hands with you and sign.

WOB-ON-A-QUAY. I wish to say a few words before signing. I have never joined in anything before that the Pillagers have done, but I am now for you. I have considered the matter thoroughly, and you can depend upon my word. I have a thick skull, but a stout heart, and I do not wish to lie in anything I say. I now sign and shake hands with all the commissioners.

Mr. RICE. We are very glad you have considered this so long. If you had jumped to a conclusion we might have thought you were wrong, but we know now that you are right. That is the way wise men should always do.

Adjourned.

ELEVENTH COUNCIL AT LEECH LAKE.

AUGUST 20, 1889.

NO-DIN-AH-QUAH-UM. There is one thing which has been omitted, but which is essential for the success of the people here in their agricultural pursuits, and that is a boat, a steamer to take cattle as anything else, as otherwise we can not reach those places.

Bishop MARTY. I suppose all those who are here this morning have already signed the document. They have expressed sorrow that there were some who had not done so, and the wish that we should not be angry with those who had not signed, but only pity them. This shows a very good disposition, and we hope it is that of the whole band.

KAY-ME-WUN-OUSH. After the allotments are made, when an Indian wishes to go anywhere on American soil, will he be allowed to do so?

Mr. RICE. He will be allowed to go anywhere, subject to the same laws as the white man.

KAY-ME-WUN-OUSH. I speak for every man who has signed the agreement. I do not wish to express any views on behalf of those who have not signed. We wish you [Mr. Rice] would take this into consideration. The Pillagers can get nothing in the early fall for subsistence, and in the beginning of winter the kind of provision that you are furnishing us now is furnished by the traders. We get it by exerting ourselves and get it in trade. Now, how would it be if we should ask our Great Father to fill up our dish at that time? I mean in February, when we start for the sugar bush. It is a very hard time every year, so we wish that another dish full should be given us then.

Mr. RICE. After we got through our work at White Earth so favorably, the agent, at the request of the Indians, wrote to the Great Father to know if he would not allow him to purchase some provisions to enable them to get through the harvest. The Great Father did not wait to write, but sent word over the wires to your agent to purchase the provisions necessary to enable the White Earth Indians to get through their harvest. Does that look as though the Great Father's ears were closed? That is all upon that subject, although you may make known your request to the agent.

WAB-ON-A-NO-NE. I wish to say a few words. It pleases me very much to be able to address the commission. I wish the Pillagers who are here to listen to the few words that I may say, because it will be mainly addressed to my people. Then, as life is very uncertain, it may be the last chance I shall have to talk to the commission, and I hope that whatever I shall say will be received in pity.

As I am a believer in the Master of Life, I shall refer in my remarks a great deal to Him. My friends, you are well aware of what the Master of Life's Son said to the people that He met in this world. It pleased the Master of Life to create this continent that lies between oceans and which we now inhabit, and it has pleased the

Master of Life to send these persons here as a commission to point out to us the right way and how we should live.

Now you can see what ignorance will do. A great many did not even believe the words; did not even accept the words uttered by the apostle [Bishop Marty] of the Master of Life; and this is the result of ignorance. You know very well that the presence of Almighty God is everywhere. He is here, before these commissioners, who are paying us a visit. This we are led to believe and do believe. Under those circumstances what have we to fear? We have nothing to fear, because we are guided by the words of the Master of Life, and everything is safe on our side, and the only thing that remains is to have confidence in Him and we shall succeed. Any person here who has not stretched his arm and touched the pen should know that the reason we accept this proposition is because we have confidence in the Master of Life, whom I mention because He holds in His hands all our destinies. It has pleased Him to have me remain on the land on which we were born. That is the way that I feel. They are but a few words, but they are heartfelt.

Commissioner WHITING. Mr. Chairman: Pillagers, I have only words of kindness and good will to speak to you. I had heard much of you as a people, and had I followed my own inclinations I should have come to you earlier than this, but the plan of our work required that we should begin elsewhere. When our faces were turned toward your beautiful location I was glad.

I had heard that you were a people of dash and courage, with full conviction of what you should do. You are a band which has a history wide as the country. I said that had I followed my own inclinations I should have come to you earlier, but I yielded to the superior wisdom of our chairman, who by personal intercourse knew all about you.

I have been greatly and deeply moved by the spirit of kindness you have shown toward our illustrious chairmain, and this is eminently right, because all over your history for nearly half a century the name of this man appears as your benefactor. Whether as a member of the Great Council or as a citizen of the country, he has been your friend always. In every book of treaties his name appears as your friend. In all the records of the Great Council, as you turn them over, you find that he was never silent when a word for you could be spoken. So now, when he comes to you to make this last arrangement with you, can you doubt him? I know you can not.

I come to you a stranger, but it is my highest honor to follow the way that he leads in your behalf.

In one of our councils I noticed a young man bearing upon his bosom a medal which had on it the face of the Great Father of 1854. I knew the face of the Father very well, and it brought back to my mind a scene that transpired many years ago in the Great Father's house. Your great chief at that time found that you were in trouble and danger, and he went to Washington to interview the Commissioner at the head of Indian Affairs. He appealed to the Commissioner in vain. This friend of yours [Mr. Rice], who was in the Great Council, heard of it, and he took charge of the matter himself and brought it into the Council. In an almost all-night session the bill was finally passed and ready for the Great Father's approval.

The next morning, in order that the bill might be approved, this Senator, accompanied by the great chief Flatmouth, and other Senators went to the President's house. The great Flatmouth, after thanking his friend for what he had done, turned to the Great Father and said: "I beg you, sign this bill for the relief of my people." Taking both the Great Father's hands in his, Flatmouth says: "I thank you for the encouragement you give me. Now, when you have signed this bill, give me time to make my way back to my people. Count the risings and the settings of the sun, and when you think I am there, look into the heavens, and when you shall see the aurora borealis with its gentle light, think that it bears to you the gratitude of the Pillagers for your kindness to them."

During some of the sessions of the councils we have held with you, this scene at the Great Father's house has come back to me with painful clearness, and I have asked myself, "What of this great emblem that your great chief chose to carry the gratitude of your people to your Great Father?" I said, "Shall this gentle light that has been the emblem of the Pillagers, that the President recognizes as the message from the Pillagers, shall it be changed into a flaming tongue of fire, carrying back to the President only your fierce wrath—this hot flame, that would scorch the face of the Great Father so that he would be forever blind to your wants and your necessities?" If so, what shall his answer be, and how shall it be sent to you? Shall it come to you in the black cloud, laden with thunder? Shall it come to you in the fierce storm that sweeps everything before it? I confess to you when I saw the darkness that for a time surrounded us, I was afraid, and I asked the Great Spirit to show us and you the right way.

But your action has answered all these questions—has swept away the clouds an
let in the sunlight of joy and gladness to us all. And so hereafter, as in the past, thi
beautiful emblem will continue to carry to the Great Father only kindness. An
his answers shall all come back to you, borne on the soft breezes that blow from tha
milder clime.

And so I wish to say to you that we are hopeful of the best. Your prospects for
higher advancement are as good as those of any people. I say to you, as I said t
the people at White Earth, it requires courage and perseverance to succeed. Th
land you have is nothing unless you cultivate it. The money that is coming to yo
will be worse than nothing unless you make wise use of it. And now I say to you
as I said to your friends in White Earth, if by any possible mischance you should
fail of the highest good which it is possible for you to receive, no one will regret i
so much as the members of this Commission. We have lifted our hands toward th
Great Spirit and said that we meant every word that we had spoken to you. An
I raise my hand again and renew the pledge that no effort on my part shall b
withheld for your best good.

And now one word to your queen, who has come into these councils day by day
I charge you that after the interest she has manifested in your welfare, as the repre
sentative of a great chief, I charge you to see that no harm shall come to her. I be
you to see that no want of hers goes unsupplied if it is in your power to supply it
Ruth Flatmouth, noble daughter of a noble chieftain! I ask the Great Spirit tha
her bark may be gently borne to the farther shore. Pillagers, I bid you a kindl
farewell.

FIRST COUNCIL AT CASS LAKE.

AUGUST 23, 1889.

Council was opened by Rev. John Coleman, a Chippewa Episcopal clergyman, fol
lowed by a few words from Maj. R. P. Shuler, Indian agent, introducing the member
of the Commission.

Mr. RICE. My friends, I will tell you in as few words as possible why the President
sent us here. Some of you have heard the explanations before.

Mr. RICE then fully explained the act, and continued:

I know there are some unsettled matters. There is the reservoir—there is prob
ably something coming to you from that, but by doing this you do not wipe out tha
at all; your claim against the Government for those damages will be as strong as ever
As I said, this is different from former treaties. The treaty you made three years
ago still lies in the Great Council. This embodies all the good parts of that, and
many others. When you accept this it goes right to the President and will be closed
this fall. When here forty-two years ago I told the men then living that I hoped t
come back again and bring something that would be pleasing to them.

You understand that you will have time to select your allotments here on agricul
tural lands, such of you as wish to remain, while those who prefer to go to White
Earth can do so. So it will make no difference whether you take your lands here o
there, you will all receive the same.

When the pine is sold there will be plenty of work for all, cutting pine, makin
hay, and various other pursuits. I dare not tell you all that I think on the subject
but I have no doubt that you will be the richest Indians in the whole country in a
very few years. I think before another year rolls around there will be another rail
road not far from you, so that you can get supplies cheap, which will also give you
great deal of work in getting out ties and such employment.

From what I know and have heard of you you are different from many of the
Indians. You are all quiet, thinking, honest people, and this proposition is so plain
that I do not believe it will take you long to give an answer.

When we went to Red Lake some people tried to make a disturbance there, bu
when the Indians understood it they all signed, although a few living on the north
shore did not agree, but they have since sent for a paper that they might also sign
You know very well that a change has taken place. The game has left the coun
try. You must get work in order to live and take care of your children. The build
ing of schoolhouses and the employing of teachers—the money for these things wil
all be expended here, and you will have not only the advantage of educating the
children at home, but you will have the advantage of the money laid out here.
can tell you that it is the best offer ever made to any Indians on this continent. I
will put you all on the road to prosperity and to living a better and a higher life.

When we leave you this time our duties are not ended. If the Master of Lif
spares us, we expect to return and see that these things are carried into effect; tha
your allotments are made and that justice is done. I think I have told you every
thing. If there is any matter I have omitted, or if there are questions you wish t

ask, let me know and I will explain further. There are but a few of you, but we thought it a duty to come here; and it is certainly a pleasure to me to explain to you everything, even if you are few in number. Your agent accompanies us wherever we go for the purpose of hearing what is said, seeing your condition, etc., and seeing that everything is carried out, as many matters will be left to him hereafter. We are all working together as one man for your future good.

WAY-GE-MAH-WISH-KUNG. It is impossible for us to misunderstand this. I wish to talk to you on the subject of your visit. I wish to state that I should have gone to Washington when the treaty of 1855 was made. I started to go, but before I got to Leech Lake I turned back. The man who made the cession here did not know the amount of land that belonged to us, and he made a wrong line. In 1863 three of them who went down were shown a very large reservation that we were going to own together. That man there (indicating Song-ge-ge-shig) he knew about it when his father returned from Washington.

When our reservation was set aside we did not know anything about it. There was not a single man there from Cass Lake to mark out a reservation, and so there is no reservation to speak of. I think we are entitled to some redress on account of the land that was taken without our permission. There was no one who went from here to cede the land, and we were certainly entitled to something more than was paid us. I want to know what you think about this matter.

Mr. RICE. There have been mistakes made by Indians who went to Washington to treat, and the Great Father has decided that no more Indians should come there for that purpose, but that treaties should be made on your own ground, so you will all know what is done.

You (Way-ge-mah-wish-kung) can remember when you were a small boy, this country was all taken from the Sioux and that the Chippewas all owned it in common. One band sold a little, and then another band sold some, when all should have joined in the cessions, and this produced injustice and inequality of division, so the Great Father last winter decided that you all had an interest in the Indian lands in Minnesota, and that your interests should hereafter all be united. That is the reason that we first went to Red Lake, as they own a reservation very much larger than yours, three or four times. You who own a small reservation—the most of it you will keep in your allotments—will get as much as those who have large reservations.

The Chippewas of the Mississippi put in a large reservation here, and do not take a foot of it in allotments, beside giving four townships at White Earth containing pine. The Great Council arranged this so as to correct whatever injustice had been done. Then to help you along until you should receive money from the sale of the pine, the Great Father appropriated $80,000, which is now in the Treasury, to be given to you, not only now, but to be continued year after year until you shall receive a greater sum. It has been been customary to give you so much money for so much land, whether it was much or little, but now the land is sold for you and you get every dollar it brings. And instead of leaving you to settle your own disputes among yourselves, and which are seldom ended in that way without disaster, the law will settle them as it does with white people. If one Indian injures another in person or property he will be punished precisely the same way he will be if he injures a white man; exactly as the Government punishes a white man for doing any injury to another.

When you have taken your allotments you will have much more land than the white man receives. He only gets 160 acres, while here the head of a family gets that and the children and other persons who are of age also get land. Any mistakes under former treaties—those old matters—can not be brought up here. The damages caused by, and the land taken for, the reservoirs, are not matters which are covered out of sight by this arrangement, but are still alive.

WAY-GE-MAH-WISH-KUNG. We have all kinds of stories here. There was a surveyor at work in this section of the country, and he told me that he was going to Mississippi. He said the Great Father did not own any land there, but it is three miles back from where the Mississippi empties into this lake. There are a great many whites north of Winnebagoshish. The whites have stopped at the third river from Leech Lake, and do not know exactly where the lines are. We wish an adjournment now, and will meet you to-morrow.

Council adjourned.

SECOND COUNCIL AT CASS LAKE.

AUGUST 24, 1889.

WAY-GE-MAH-WISH-KUNG. There are many here who are ignorant of this transaction and we can not make them understand fully the purport of your visit.

Mr. Rice then repeated the full and complete explanation of the propositions made the day before.

WAY-GE-MAH-WISH-KUNG. I wish to ask about the request made by the Pillag Indians while I was there in reference to the money obtained from the dam matter The Indians made a request that they should receive the whole amount to enab them at once to purchase cattle. How was that decided?

MR. RICE. We put it down in the paper just as they said it.

WAY-GE-MAH-WISH-KUNG. We wish it understood that the requests of the Pillag about the dams are our requests also.

I wish to state that our young men do not tie us up as the chiefs at Leech Lake a tied. We are a little more free here.

The same thing that troubled the minds of the Indians at Leech Lake relative the dam money and about the land at Leaf River and the demand they made to ha the account of the utility fund investigated, all these things are on our minds also.

At the time of the Northwest Commission I did not like the arrangement, but account of the agent's persistence, after he had been after me three times, they g me to sign it. As you have referred to the old treaty, I will tell you what I said that time: "I sign that agreement just because I am urged to sign it; it is not becau I like it. I do not like the agreement; you do not give us anything in our hands f signing that agreement, but I will sign it, as you urge me to sign it." We were wa ing for a young man who said he would be present when this arrangement was mad

MR. RICE. We have not come to urge any of you to sign, but to tell you all there in the proposition, and then to leave it optional with you to accept it or not. Y have been left alone, without a mill, a Government farmer, or a carpenter; so far I can see nothing has been done for you.

This country will not be filled up as the country south will be, because it is not good for agriculture. If this is carried out, you will not be confined to your reser tion, but your young men will be able to go where they like, as the white man do provided they behave themselves. Your Great Father has never objected to yo hunting through this country, and will not so long as you do no wrong. Knowi you as long as I have, if I had not known it was the best thing you could do I sho not have come. But it is a very important thing, and I hope you have considered well.

Commissioner WHITING. My old friend (Way-ge-mah-wish-kung), I want to ge fully into your mind that by taking this $80,000, of which you will have your sha you will not interfere with the money that your Great Father owes you. Your Gr Father admits that he owes you that, and he will pay it. The reason he has not p it is because he did not know what you were going to do.

NAY-TAH-WE-GAH-NOW. When the Indian is allowed to go anywhere, will that p mission last forever?

MR. RICE. Yes. If you misbehave you are subject to the same punishment as white man is, and if anyone disturbes your persons or your property, whether he an Indian or a white man, he is subject to the same penalty. If one of your yo men should work for a white man—there will be a great deal of work to do—and white man refuses to pay him, the law will compel him to do so.

TOM-BAY. All the Chippewa Indians in this section of country appear to be blind anything that the whites say that is worth understanding. It seems to me as thou they did not wish to understand. The Indian can not be blamed, because his perc tion is not great. What they have in their minds is the old transactions and as to w the Government owes them on that account. We hope you will be patient w them.

MR. RICE. Your Great Father told us to be patient with you and to explain eve thing. We hope that by day after to-morrow, at 9 o'clock, you will understan and be ready to give an answer.

Commissioner WHITING. Will 9 o'clock Monday morning suit them? If so, you please be prompt.

Council then adjourned until August 26.

THIRD COUNCIL AT CASS LAKE.

AUGUST 26, 188

SONG-GE-GE-SHIG. These young men do not thoroughly understand this, and that you may be pleased to explain matters to them. We will then retire and sult among ourselves, and we are at liberty to do, every man as he wishes.

MR. RICE then repeated at length the explanations already made twice before.

SONG-GE-GE-SHIG. I am very much pleased to hear the same thing here which said at Leech Lake. I do not know what action the young men may take, but my part I do not intend to oppose this matter in the least. Will you please adjo to give us time to discuss the matter?

Council then adjourned until 2 o'clock, when it again convened.

SONG-GE-GE-SHIG. My action will be witnessed by the Master of Life to-day. I am the poorest of what is called the Indian race. If it pleases the Master of Life to have pity on me, the Great Father will have pity on me also. I accept your act fully, and if through your efforts my Great Father takes pity on me, I shall be very glad. I do not wish to influence any one by my action, but I take this step that others may follow my example if they should see fit. I wish you to progress with the signing.

Song-ge-ge-shig then touched the pen.

NAY-TAH-WE-GAH-NOW. You have heard our chief here, and the expression he has uttered. He has put forth his hand and touched the pen. What he has put before the commissioners he has had in his mind for a long time, and never let us know what his mind was, but now he has set it before you.

I know very well that the task imposed upon the commissioners and the load that the Great Father insisted you should carry through this country has been a heavy and tedious one. You have been lightening your load ever since you visited the several reservations, and you have now come around to this one. We hope you will drop a portion of that load here, and we will help you to lighten it. I call on the Master of Life to witness my feeling, and to witness that I do this of my own free will, and think it will be of great advantage to myself and tribe. My friend (Mr. Rice), I wish you to hand the pen to me.

He then touched the pen.

TOM BAY. What our chiefs have said has expressed my opinion as well as the opinion of others. I wish to state my convictions before I touch the pen. I am one who calls upon the Master of Life, because I try to follow the mandates that he taught, and I hope that he will have pity on me and that this arrangement will go through, as I know it will be beneficial to me, and I hope that this contains nothing which will not be carried out.

He then touched the pen.

WAY-GE-MAH-WISH-KUNG. My friends, I shall touch the pen again. The last time I touched the pen it made me ashamed. I suppose that the man who urged me to do so before had the same shame that I had, and the shame ought not to be on me, but on him. I thought then, after I failed to see the fulfillment of that agreement, that I would never touch the pen again until I had seen the fulfillment of it, but the way you have explained to the Indians leaves no doubt that they will receive the benefits, because they know it is true. If this act is not carried out according to its provisions I should be very much disappointed and we shall have to bow down our heads again.

Commissioner WHITING. And we ours.

WAY-GE-MAH-WISH-KUNG. I am getting to be an old man and it is hard work to support myself. It is my poverty that makes me so brave as to talk with such men as you are. I used to support myself very well without begging while I was in shape to do so, but since I have become lame it is impossible for me to work.

He then touched the pen, after which the Indians came forward, one at a time, and signed the agreement.

ME-ZHAH-GAH MAY-GE-SHIG. My friend, I heard your words and I understand everything that you have told me. My friend, we are very much obliged to you. I thank you very much. You see that our boys are signing. I am holding back towards the last, but I am going to sign, too. Your words went right to my heart and understanding. I shall hold my children to this, too—a thing that many of the Cass Lakers do not like to do. That is all I am going to say to you, but after this we will call ourselves friends. I salute you all. [Shaking hands.]

SONG-GE-GE-SHIG. What I wish to say now, my friend, is that it would not please me very much that I should not be owner of the pine; that I should give up all my right to it. Would the commission be pleased to set off a number of acres that would do for the future use of this reservation? And if we could get a mill we should be very much delighted with it.

I should also like to follow the example of the Pillagers of Leech Lake; that is, to set apart a piece of land for the same purposes they did, for a village, for government purposes, etc. I should like to have a paper showing our request about the piece of pine, made of our Great Father, so that if anything should turn up they could not go back on us.

I should be very glad if I did not have to wait three years for the fulfillment of this promise, the payment of the money. We hope that you will take hold of it immediately and use your influence, you and your friend here, Commissioner Whiting, to bring about that payment as soon as you can.

Mr. RICE. We have consulted together and agreed that we will do what we can for the first three objects: the mill, setting apart some pine, and also for the village, and we will give you a paper also to that effect.

In regard to the money, that is already appropriated, and if they do not detain us too long at the different reservations we have to visit, we hope to obtain it this fall. At any rate, you will not have to wait three years.

Commissioner WHITING. The sooner we get around from one band to another the sooner will we get our work to the Great Father for his approval.

NAY-TAH-WE-GAH-BOW. My friend [Mr. Rice], you have under any circumstances, whenever you have been called upon by the Chippewas, stood by them, and you are now with them. There are a great many requests made that might seem to some unreasonable, but you will be able to judge that the future is a long one for us. You have come into the Chippewa country, right into the midst of your friends. The Chippewas are very much pleased to see you, because they know that you have been their life-long friend.

Now, I wish to lay a matter before you, on account of your wisdom and foresight. You know very well that this is the poorest place on all the several reservations, and the Chippewas here are poorer than on any others. Our children are so poor here that they are next to rolling in the ashes. We wish that you and your friend here should try and get a blacksmith for us in time, so when there is any implement of agriculture broken we may have it repaired.

Another thing we need is a mill, which is very essential for us. The Indians here must stand on a different footing than they have occupied before. There is nothing here that an Indian can use, not even a jack-plane to smooth his board. There is nothing of that kind. If we should ever have a mill we should have a planing-machine, because it makes boards look pretty.

I wish to know of the agent whether we will get our annuities which have not been paid?

B. P. SHULER. I have made requisition for all back payments.

The council then adjourned.

FIRST COUNCIL AT LAKE WINNEBAGOSHISH.

AUGUST 31, 1889.

The Indians came in late in the afternoon and expressed a desire for an informal council that evening. A council continuing several hours was therefore held that evening by the light of the camp-fire, at which the act of Congress under which the commission proceeded was fully explained in every part, as well as the act passed February 8, 1887.

For want of a building all councils here were held in the open air.

SECOND COUNCIL AT LAKE WINNEBAGOSHISH.

SEPTEMBER 2, 1889.

Mr. RICE. The council is now open for business. We have already explained everything to you fully, but if you do not understand all that was said, let us know and we will go through it again. We will be very glad to hear everything you may say. Here is a man who takes down every word.

SHO-KAH-GE-SHIG. I want to know if you have told us everything.

Mr. RICE. We told you all about the arrangement. If there is any point you do not understand you may tell me and I will explain further.

SHO-KAH-GE-SHIG. Although it has been explained very thoroughly, if I should say that I understood it all thoroughly I should be uttering an untruth. I should be very much obliged to the commission if you should be pleased to explain again, just the arrangement itself, without any outside matters.

Mr. Rice then made another full explanation of the acts of Congress.

Commissioner WHITING. I want to impress this upon these people: That while the old treaty compelled them to go to White Earth, this one that we offer leaves it to their choice—those can go who wish, and those can stay who do not wish to go.

Now, White Earth is a beautiful place. If any of you wish to leave here, there is no finer place to go to than White Earth. More time has been spent in making this paper we bring than any paper ever sent you; the reason of this is that the Great Father has seen that your condition is becoming worse and worse each year; that your game was driven from your forests because the woods were being destroyed by fire. With your game gone, nothing is left for you to subsist upon but the fish in the lakes, and no nation, no people, can live and raise their children successfully on fish alone. It is not possible. And so your friends, not only in the Great Council, but your friends elsewhere, saw the absolute necessity of doing something which would relieve you and settle the question of your location forever. There are a great many men who care nothing for you and who would rather you should turn your faces

away from this treaty. They desire the opportunity of going to the Great Father and to the Great Council and saying that you do not want anything done for you; and so your friends are anxious that you should listen and do the best thing that is possible for yourselves. It would have been easy for this commission when you refused to come in at the notification, to have gone on and reported to the Great Father that you had turned away your faces from him forever. That would have been a very great mistake on your part. This fast friend of yours whom you see before you, and of whom you have all heard, said, when it was thought strange that you did not come in, "But their minds have been poisoned by their enemies."

Under our instructions from the Great Father we were to have all patience with you. Your Great Father and your friends—your real friends—everywhere are desirous that you should become like white men, not like the bad white men of whom you see the most, but like the good citizens whom you will know more about if you adopt this plan.

This arrangement is not so important to the old men of your nation as it is to the younger ones. It is important to you because the remainder of your lives will be happier and better if you adopt it. The lives of many of you, like ours, are behind you, and the work must fall upon the young men, as you have been told, and to them will come the greatest good. You will be a very rich people in the future, at a time not very far off, but riches won't make you happy, and will not stay with you unless you are a sober, temperate, and industrious people. Whisky ruins every white man who indulges in it. Idleness also ruins many a white man. But if you adopt habits of sobriety and industry all will be well with you. That is all.

Mr. RICE. We will be glad to listen to anything you may have to say.

SHO-KAH-GE-SHIG (after addressing the Indians). I have finished addressing my people, and turn my face toward you. My friends, I am going to shake hands with you. My friends, those of us who are called the Winnebagoshish Indians are certainly very poor. We never had any chance for any big talk in this place. We generally are sitting pretty quiet. I always think I should like to know what the result will be. After hearing all the talk and the councils and everything of that kind that they have had at the other places amongst our friends, the Pillagers, I do not want to talk disparagingly of any person, but I wish to tell you the truth. We never have been benefited a single iota by any of the councils held by the Pillagers, although we belong to the same interest. Who is to blame? I am called an Indian of the Winnebagoshish band, and I speak for the band, and as a band we do not see a single instance of misdemeanor of which we are guilty against the Government.

At the time this dam was about to be built, the one you see now constructed, the man who came here first to talk about getting our consent used these words: "I beg of you, under no circumstances, to molest anybody who is working at these dams, and always respect the authority under which they are built." Those are the words used. "You can not help yourself. This is a Government concern, and that dam is going to be built in spite of anything you can say, because it is for the purposes of commerce and Congress has ordered it to built." They told me, "You may object as much as you please, you may protest against it, but it will avail you nothing," and that man who is interpreting (Paul H. Beaulieu) put that in the strongest possible way. I have been blamed, and it was said that I was bribed to allow this dam to be built. There is not an Indian who ever said so but he uttered an untruth when he says I was bribed.

And then the first man, the first engineer, who came here, under whose charge the works were, they called him the Captain (Captain Wanzer); that man spoke in the very same words that had been spoken before. Captain Wanzer told me, "My friend, I want you to listen to what I shall say. Do not let anybody molest that dam, but instead, protect it." We have respected this work of the Government in spite of all the other councilings we have heard.

You can see with what patience we allowed this dam to be built. Just look around this lake. There are no persons who have been so badly damaged. Look around here. It is not fire that makes it look so barren around the lake. It is the effects of the water caused by the overflow. That is the very reason that I say that as a band we here at Winnebagoshish have respected in every particular the words of the Government, and have obeyed the mandates of the officers who told us to respect that property.

I am just telling you that to show that it was no disrespect to the Government that we did not come in here at the first time you notified us. My friends, you told us yesterday that you were glad to meet us. We certainly are very glad to meet you also. Although I did not have my own way about meeting you at the time we should have been here, I felt very uneasy about it.

Whenever a man comes and makes a good offer to me, and stretches his hand to me, I do not take that hand and push it aside, but whenever I can not see through

anything I do not wish to push myself ahead and do a thing that I do not fully understand. My friends, I suppose that you understand me. That is about all I have to say. Especially the last word that I said to you. My friend, I have expressed to you my feeling. After a while I have something more to say to you.

MAY-QUOM-ME-WOUB. I shake hands with you all. What my chief says meets my views; that is exactly what I think also.

I wish to talk about the dam. When that was erected here I entertained the same views that my friend did. I understood the whole thing relative to the dam, and under what authority it was erected. They told me there is a great deal of work to be done. "Now you just put forth your energy and obtain work here, and you will get work whenever there is a chance." They told me they would never shut the gates for good. That they would leave the water to run pretty freely until the whole thing had been settled for. We have been waiting very patiently for the payment of the damages done to us, and it has been a great damage that has been done to us. Now, we should like to hear from you at what time you expect that will be paid.

Now, about our meeting here. We beg that the commission should take into consideration that this is the only subsistence (meaning wild rice) and the only chance we have of making a living for the winter. This is our stock, and if we did not obey the mandate, all the stories we heard had nothing to do with our saving what we needed for our winter's subsistence. We wish to impress upon the commission that it was not contrariness. Almighty God has provided for all his creatures. He has provided that kind of subsistence for the Indians. If they do not take it in time they must go without it. That is the excuse, and we hope that you will accept it. That is the feeling of the people.

Mr. RICE. We were so glad to see you that we forgot all about anything unpleasant that had occurred, so you need not fear that we are displeased. We did not send for you to meet us at Leech Lake, Cass Lake, or Cormorant Point. We did not wish to confuse things; we came here upon your own ground, and it is the first commission that ever did it.

We know the patience you have exhibited in regard to the building of the dams. We know the damages you have sustained, and we know you have been very patient in waiting so long for remuneration.

MON-ZO-MO. My friends, it was through my suggestion that the men you sent last waited there over a day. I did not think I was a very bad man because I made that demand from your messenger.

Commissioner WHITING. My friends, we appreciate how very difficult it was for you to leave your rice-making, and we are very sorry to have interfered with it, but are glad that you came down to see us. We are anxious to have you return to your rice-fields as we know how important the rice is to you.

AFTERNOON SESSION.

SHO-KAH-GE-SHIG. I wish to ask a favor; that the commission stay with us until to-morrow morning. Otherwise we may forget something, and it is better to meditate longer.

I am ready now to proceed to business. I am going to talk over other matters after we get through. Every man is left to his own free will in this matter. We are going to begin, and those who are ready to sign can do so, and with those who do not wish to sign it is optional. It is better to begin now, so we may know who feels like signing.

Mr. RICE. It is very hard to refuse anything. We wish to gratify you as far as we can, but you know very well that we have engagements ahead. We will stay to-night, and hope you will try to finish. After you are through signing we will listen to all you may say.

SHO-KAH-GE-SHIG. I sign for the Great Father, and I wish to have it understood that I accept this wholly and totally in accordance with your explanations. I wish that what the Northwest Commission did shall be thrown aside and buried. Will it be so?

Mr. RICE. It will be.

MON-ZE-MO. What this chief has just said is exactly my views. I shall express what the people here think. Look at the past and the many things promised which looked very big. Is there any room to doubt that whatever has been said to us will be fulfilled, as the other treaties we have made, and which we doubted, were not? Is there any doubt that this will be carried?

Mr. RICE. There is no doubt about this. The other treaties have gone through the Great Council. This goes back to the Great Father, and if he approves of it, you will know it in time.

In regard to the reservoir dams, we wish you to distinctly understand that that is not written in this paper. You only have our opinion and our word to do all that we possibly can to help you through with it. About your having your homes here and your farming lands and your getting the money, of that there is no doubt or question. Is that satisfactory?

We expect to come here again, but we know that the Master of Life sees us here now in the open air, and we have not said or done anything which has been intended to deceive you. Did your fathers ever tell you that I deceived them?

MON-ZE-MO. Never. (He then touched the pen.)

Mr. RICE. You can go to work as soon as you please selecting your allotments. When the land is surveyed, the lines of your selected lands will have to conform to the government lines, and you may have to move a little one side or the other.

O-NAH-NAH-GA-GE-SHIG. All that I have waited for is the action of my brothers here who have signed. Now I am ready to follow their example. The chiefs here have some requests to make, and I wish that you would use your influence to have granted any reasonable request they may make.

He then touched the pen, and the other Indians, one at a time, came forward and followed his example.

SHO-KAH-GE-SHIG. There is a man who has done us the greatest service ever done to us as a tribe. When we were isolated, and the sickness (smallpox) was bringing death among us, there was a white man who was brave enough to come here and save us—a physician. That man was at Leech Lake, a doctor there, and he was a noted doctor. He has done all that he could for the Indians in this country, and if you want to please the Indians, try to get him there to oversee; you will have a man who is worth having. It is in remembrance of the services that he rendered that we say this. He was a great deal more than a friend to us, especially to me.

(It was learned that the gentleman referred to was Dr. James R. Walker, now residing at Excelsior, Minn.)

Agent SHULER. The Interior Department reserves the right to appoint all the doctors on the reservations, so that is not within my control. I know your friend very well, and, so far as I am concerned, I should be very glad to get him back here, because I know he is a good man. I know that Dr. Walker never got a cent for the time spent here.

I-AUB-AINCE. I think that the requests made by the other Indians were absolutely necessary, and we wish here to make the same. It is very essential at this time that there should be understood by the Government and its commissioners the fact that a piece of pine land should be retained for our use, so that we shall not be compelled to buy our pine from others.

And the time will come when it will be necessary to have a carpenter and the proper tools. We will need them. There is another artisan whose services are always required, and when you have a long way to go to have blacksmithing done it is a great detriment to us. That is a thing we would very much like to have, a blacksmith. We wish to be treated as the other bands are in regard to the demands they have made of you.

Mr. RICE. Your words are all taken down, and your wishes will be reported.

MON-ZE-MO. There is one thing we have on our minds which is very essential. If that road is built we should like very much to receive our annuities by that road, instead of going a long distance. We wish to impress that upon your minds, because it will save us a great deal of trouble.

Mr. RICE. The request is reasonable, and I am glad the agent is here, as he is the one to appeal to.

AY-WUS-E-GE-SHIG. The annuity payments we receive are made so late that we have to start across this big lake in storms, and the young and the old have to go, and many perish in the cold. The aged, who can not go there on account of the cold; the women who have children but no husbands, and the sick, and the children, who can not be left behind because there is no one else to care for them, all these have to be present at the pay table, or else they get nothing from it, and immense suffering exists from it all winter. Sometimes we represent that one of these persons on the roll is an invalid and can not get there, but our words are not listened to. Another year goes by, and that name is pronounced dead. What killed it? It is the cold and suffering; for lack of something warm. That annuity is asked for, and we can not get it, but it goes back into the Treasury of the United States Government.

Major Shuler, the Indian agent, informed the Indians that he was endeavoring to have the next payment made in October.

I-AUB-AINCE. A great many of these young men have lost gardens by this overflow, and have asked me to speak for them. A great deal of labor and expense have been expended making those gardens, and we wish those damages paid, aside from the

general damages paid. At one time there was an offer made to the persons who had suffered in having their gardens destroyed by the overflow, and I advised them to accept it, but Sturgeon Man and the Hole-in-the-day murderer advised us not to accept it, saying that in time we would get a great deal more. I thought at the time they would bring it about, but I was very sadly mistaken, and I begin to find out that those two men don't amount to anything. There is a certain amount of money which will be paid pro rata on account of the damages done by the overflow, and some will be paid who have not an inch of cultivated land; they will receive as much as those who have farms destroyed. We think those who have lost farms ought to get something extra for the amount of their personal damage. That is, that there should be one general fund, and others to cover the damages of particular persons.

Mr. RICE. You are right.

SHO-KAH-GE-SHIG. Do the men who sign, sign for the women and the children?

Mr. RICE. Yes, sir; and the women and the children get their shares of the land and money.

Council then adjourned, and in the evening the Indians appeared for another session, which was held by the light of the camp fire.

I-AUB-AINCE. The Simpson Commission promised that these graves and cemeteries should be all removed at the Government's expense to some higher ground where they had been washed out by the raising of the waters caused by the dams. The Indians here and at Leech Lake and at Raven's Point were promised the same thing, and the Northwest Commission solemnly made the same promises. The Northwest Commission examined the graves in three places, and saw the bones sticking out of the ground, where they had been washed out by the waves. The Indians who had fathers and mothers and children buried there were very much pleased to hear the Simpson Commission speak as they did. They made a promise to the Indians that they would certainly see that these coffins were taken up and buried on high ground decently. It pleased every Indian who had any dead relatives. But the promise was all we ever saw of it. I do not think the Blakeley Commission made any promises.

(The interpreter stated that he could substantiate what had been said by the Indians regarding the promises made by the Simpson and the Northwest Commissions.)

I-AUB-AINCE (continuing). There is no one who knows the number of graves in this condition, but there is a large number. The covering of the graves and the coffins have in large numbers drifted out onto the watersof the lake. The cemeteries are now just as level as this ground here—nothing to show what was there. This was at the mouth of Third River and at the mouth of Cut-foot Sioux River, and also right alongside of the Mississippi River here. They wanted William Fairbanks to take the job of removing these graves, but were first to use their influence to have the work done and paid for by the Government.

We bring this to your notice, as we would like to have action taken in the matter, although I don't think it would be of any use now, as the bones are all scattered; the skulls are here and there all along the shore.

The commissioners promised to make known all that they said about the cemeteries.

Mountain Traveller, head chief of the Bois Forts Indians, who was present, and to whom the Commission explained everything connected with the propositions made, and who was well pleased, took his leave, after which the council adjourned.

FIRST COUNCIL WITH WHITE OAK POINT INDIANS.

PAYMENT POINT, *September 4, 1889.*

The councils here were held in the open air, there being no settlement of any kind at the place.

Mr. Rice made an extended explanation of the act of Congress under which the Commission acted, and also of what is known as the Dawes Act, passed February 8, 1887, after which the council adjourned until the afternoon.

Council convened in the afternoon.

WAY-ME-TIG-OZHENCE. I am perfectly ignorant of anything that has been said heretofore. I have been tampered with so often that when a white man says anything to me I don't know what to believe.

Mr. Rice then repeated the explanations already made, as many had come in since the morning council.

Commissioner WHITING. You must remember that it will take a little time to bring about this matter, and for you to take your allotments. The White Earth Indians could do it as soon as they signed the agreement, because their land was already surveyed.

This proposition we bring to you is important to the old men even, but it is vastly more important to the young men. If you accept this proposition, and your young men take hold of it and do the best they can, in a few years they will be the richest farmers in the State of Minnesota. Of course this proposition, valuable as it is, will be worth nothing to you unless you take hold of it in earnest and do the best you can. No people can prosper, however much may be given to them, unless they are industrious, saving, and sober.

Mr. RICE. The Catholics have been waiting a long time for you to become settled so that they may place among you churches and schools, as they have resolved to do with the bands who have accepted the propositions and as they are now doing at Red Lake and White Earth.

Mr. Rice then read a letter from Bishop Marty, and continued:

Before we left Leech Lake he gave orders to have a church built there. It will not only give work to the young men, but will give you assistance in other ways. The women and children will be able to get good advice. Now we wait for you to speak.

WAY-ME-TIG-OZHENCE. All the Chippewas of the Mississippi have been notified to treat any commission from Washington with respect. They have always complied with the requests of the Government. It is not such men as you who would come before them and talk bad to us. I wish my friends to know what I think. I accept the propositions. My father, who is your (Mr. Rice's) friend, told me, "My son, I want you to leave your bones at the same place that I leave mine." I don't want to go over there (White Earth). I do not know the ideas of my fellow Indians, but so far as I am concerned I have lived here for seventeen years and I accept the propositions. You can see by my age that I am not very long for this life. If the young men will follow my advice and the advice you give them, they will certainly be benefitted by what you have told them. That is all I have to say.

Mr. RICE. Is it your desire to sign now? I know you are in a hurry to get to your rice making.

WAY-ME-TIG-OZHENCE. Yes, sir. I am independent. Nobody owns me and I own nobody.

KA-WAY-DIN (after addressing the Indians). I have lived here as long as the last man who spoke, and I am only one of a large number who have. I listened to you a long time at Leech Lake, standing by you, so I can remember and understand what has been said. I was there ten days, and although I heard all your talk I did not take hold of your propositions immediately.

What was promised to me in that section of country I have never seen. Just the same over there at White Earth; they have got the land that was promised to them, and I have got the land that was promised to me yet. You borrowed an office there when you were at Leech Lake, and now you are talking to the Indians here in the open air.

There was a promise made to the Indians here at White Oak Point that there should be a schoolhouse and if it had been here you could have talked in that schoolhouse. There was a mill promised for this place, too, but we never saw it.

They told us that whenever the whites wanted to saw anything we could allow them to saw their lumber in the mill and that the whites would pay us. And there was cattle promised to us then, and now the same promise is repeated. You say the truth when you say that these Indians are poor. You see the rents in my nails; if I wanted to hold something I could not do it because my finger nails are torn. If the cattle had not died on the road that were promised us in the name of the Great Father, maybe our young men would be able to use those cattle in their work.

That is the reason I speak to you in behalf of my friends here, not to sign until we have made up our minds to sign. I want to hear what the others have to say. I have heard only him who was willing to accept this; I have not heard any of the others. That is all I have to say.

Mr. RICE. It is for each of you to decide for himself. If you do not wish to sign, we do not wish to have you. Those who wish to can do so, and those who do not want to need not. That is what our Great Father told us to say to you.

KA-WAY-DIN. We want to see each other again. There are a good many who will accept it, but they want to talk.

PAUL H. BEAULIEU, interpreter to the commission, then addressed the Indians in Chippewa.

ME-TE-GWAH-TICK. I will meet the commission at White Oak Point, down the river, and give my signature there.

The Indians counseled among themselves for about half an hour, and then returned to the commissioners.

KA-WAY-DIN. This is not my own idea. I am selected by this band to express what they wish. The Indians are pretty well scattered and they wish you would indulge

them for a few days. They wish to meet you all at White Oak Point, where they expect to see the Sandy Lake Indians, and when we can talk over matters with you.

Mr. RICE. We sent messages to you to meet us at this point. We will not wait for you there that length of time. We told Drum-Beater we would wait for him there one day, which we propose to do, but our time is precious and as your rice crop is about completed, I do not see why you should wish to detain us. If you have anything to say we will listen, and enlighten you, but we will not wait for you three days, as requested, because we see that it would be a waste of time.

The council then adjourned until evening, when it again met around the camp-fire.

NO-KAY. I spoke to you (Mr. Rice) at one time in St. Paul. I suppose there are a great many who have not signed. I said that if they all signed, I should sign also. I wish them to begin to sign. I don't want to be removed elsewhere. I want to stay here. My children's land extends to here. I want to listen to what the others will say.

KA-WAY-DIN then addressed the Indians in Chippewa.

After considerable hesitation, nearly all of the chiefs and other men signed.

Sturgeon Man and other Pillagers, who had not signed the agreement while the commissioners were at Leech Lake, but who had been the strongest opponents of the agreement at that place, followed the commissioners to White Oak Point, and requested an interview with them there, September 6, 1889, in which Sturgeon Man said he would return to Leech Lake and use his influence to have his people a unit. He signed the agreement and expressed his regret that any misunderstanding had arisen at Leech Lake.

SECOND COUNCIL WITH WHITE OAK POINT INDIANS.

WHITE OAK POINT, *September 6, 1889.*

This council was held at night.

KA-WAY-DIN. My friend, I shall express to you my feelings. I am going to tell what I wish of you, and the reason that we touched the pen and gave our consent to this arrangement.

I wish to refer to arrangements made with our ancestors in times past. You (Mr. Rice) were witness to those arrangements. I wish to know about what the White Earth Indians have done relative to the arrearage fund that pertains to the Chippewas of the Mississippi, and also to the Chippewas of Lake Superior. Have the White Earth Indians used any of those funds?

Mr. RICE. None of the money has been used. All that Congress has to do is to make the appropriation. It has been allowed by the Indian Office.

When we were at White Earth, we talked the matter over and agreed to do what we could do for them as soon as they were permanently located. Your Great Father is opposed to giving you large sums of money until you are settled, as he knows the money will otherwise do you no good. We are in hopes now to get it appropriated very soon, and will do what we can to get it this winter. We have been detained so long and have such a long journey before us that we can not promise what we will do. We have been at work nearly three months, and ought to have been not half as long.

KA-WAY-DIN. A great many here have not been told about the object of your mission. If you explain it this evening we will all understand it.

Mr. Rice then made an extended commentary and explanation of the act of Congress under which the commission proceeded.

ME-TIG-GWAH-KICK. We wish to ask you this question: At what time do you suppose we will begin to receive what our Great Father will lend us, and at what time do you suppose that any arrangements could be made so that we could hear about the damages caused by the reservoirs?

Mr. RICE. The $90,000 is already appropriated, and the other money we hope to have for you soon, but we have been kept so long that we can not tell. In regard to your payments, that is for your agent, as he pays you. Railroads are now being built all around you, so that it will be an easy matter to pay you; but as to this he can speak.

As to the damages by the reservoirs, we have promised the Pillagers, and promise you also, to do what we can to have them paid as soon as possible.

ME-TIG-GWAH-KICK. Tell us about the census-rolls. We wish that there should be no discrimination made relative to the persons who have a perfect right here, that they should all participate in this arrangement. We do not wish any one who has no right to be invited, but we wish all those who have to participate.

We have tried very hard to keep our rolls intact, so they would be correct. There are a great many who were not present.

Commissioner WHITING. But why have your people not come in?

ME-TIG-GWAH-KICK. I do not know; I am just making this remark. It was dark when I got here; they may have arrived.

There are some children who are not put on the rolls, from what I have heard. There are some who were forgotten.

Mr. RICE. We have been very particular about it, but if there are any who have been forgotten we want to put them on. When will you look over the rolls, to-night?

ME-TIG-GWAH-KICK. Yes, sir; after this talk. That was one of the points that I wished to understand about. This is the request that we make of the Government—that our annuities be paid here at this place.

I also speak for the people here when I say that the White Earth Indians have made a preparation for getting something to work the land with. The whites know that we are very poor and that we can not progress without assistance. We request that the Government furnish us some cattle immediately, if it is possible, and also agricultural implements, so we can have something to work with on the start. This reservation is very small, but when we get our annuities paid here we will have our homes here, although it is small.

We do not wish to have our houses very far from each other. We wish to make a place, a kind of village, in some locality which will not make any difference in our working on our allotments. Then for the purpose of building houses and schools, what shall we use to saw the lumber with? We should also like to be furnished with a mill. We understand very well that we must not take any pine lands—it is just like putting a lock on the pine lands—but we certainly want something to make our houses, and we wish the Commission would provide for that when it makes our allotments. About the protection of the law: Are you going to put a man over us here to take care of us and execute that law, or shall we have to do it ourselves?

As there are a great many here who are favorable to the Catholic Church, we should like to have a priest to stay amongst us, and to have him selected as a school-teacher.

Mr. RICE. You heard Bishop Marty's letter read yesterday. The Catholics are now coming in among all the people. In regard to your traders, the rai'roads will soon be here, and where they are there will always be traders, and you will then get your goods much cheaper. You will have enough of them.

If anyone disturbs you in your person or property, report it to the agent. You will find he has a long arm to reach offenders. Your other requests we think reasonable, and will send them to the Great Father.

If our lives are spared we expect to come here again and see that everything is carried out properly.

Commissioner WHITING. Every day more spent here now puts off the consummation of your business so much longer. We have a great deal more to do before we can get this matter before the Great Father for his approval.

The census roll was then read to the Indians present, and those who had not signed at Payment Point signed the agreement this evening.

THIRD COUNCIL WITH WHITE OAK POINT INDIANS.

NEAR GRAND RAPIDS, *September 7, 1889.*

This was a council held with the Indians of Trout Lake, who had been summoned by messengers.

Mr. Rice made a full explanation of the agreement, whereupon the Indians present signed it, after which the census roll was read to them.

GO-GISS. I am older than the other men here, and that is what brought me here. I have always heard the chiefs talk about the amount due us for arrearages.

Mr. RICE. You have been in an unsettled state for years. The amount due you in the arrearages matter was ascertained some years ago, and we propose to do what we can to have it paid to you.

The matter of the damages done by the reservoirs was also asked about, and Mr. Rice explained that efforts would be made during the coming winter to have that matter settled. The Indians claimed that the overflow caused by the reservoirs had killed all their rice and destroyed their hay meadows.

GO-GISS. I am very glad to hear you speak about the arrearages fund. You know that we are to receive one-third of the amount. We were given to understand by our fathers that there was quite a little fund there. The matter has been so satisfactorily explained by you that we will ask no questions.

Mr. RICE. Your fathers and I understood it in the beginning.

Commissioner WHITING. I do not think you should feel anxious about the arrearage fund or the reservoir damages. If your Great Father finds that you are anxious to

have land of your own and to cultivate it, he will be all the more anxious to see that you have what is due to you.

Council then adjourned.

The Commission then proceeded down the river, expecting to meet a number of White Oak Point Indians, who had been notified by messengers to assemble at Sandy Lake. On landing a messenger sent by them said they were busy gathering wild rice, and as but a few days remained before the wind would blow it away, owing to its ripeness, they could not meet us.

We sent out messengers in various directions asking the Indians to meet us at Kimberly, a point on the Northern Pacific Railroad, and the most central and convenient, as the Indians were scattered in every direction for many miles around, and as to the numbers and whereabouts of many of whom we had no information.

FOURTH COUNCIL WITH WHITE OAK POINT INDIANS.

KIMBERLY, MINN., *September 19, 1889.*

Commissioner Whiting performed the duties of acting secretary. This band, called "Sandy Lake band," is a part of the White Oak Point Reservation band. They are very much scattered, and it has required many messengers to get them in. Only a part had come in when we arrived. Other messengers were immediately dispatched. A council was held this evening with the Indians present and the situation explained to them. All councils here were held in the open air.

SEPTEMBER 21, 1889.

This was the first formal council held here. Indians or their representatives nearly all in. Full explanations were made to the Indians in answer to the inquiries.

O-GE-MAH-WOUB. We expect our women. At White Earth they had seats. Here we have to sit on the ground. Our men are not all here, so we want our women to hear. In the mean time we will have further explanations.

Mr. RICE. The Great Father wishes to know what you desire to do. He is determined that you should not live longer as you have done. This must be manifest to you. You can not subsist in the old way. White men are crowding you on every side and are making every effort to have the Great Father remove you.

Commission further explained the provisions and requirements of the act, telling the Indians that "the Great Father wishes to know your decision now, and we will convey it to him for his action. If we have failed to explain anything you are at liberty to ask any questions and we will patiently answer all. This is the most important event in your lives, especially to your young men. We wish you to make no mistake."

O-GE-MAH-WOUB. What about taking allotments on Government lands outside of any reservation?

The Indian preemption act was explained.

QWOD-AINCE. I went to White Earth while the Commission was there. Sat next seat to Wob-on-ah-quod. We were near the Commission. I remember every word you said to the Indians there. I remember all that was said by the Indians: all their questions and your answers. I am not a foolish man, but I will ask questions. I did not understand fully your talk then as I do now. I understood the pay of back money to be different from what you say now. We have received no annuities for years. I understood you to say at White Earth that you would look to the back money as soon as you could. We want to know more about it now. At White Earth they had a committee to ask questions. You think we are wiser than they?

The Commission further explained that what was said at White Earth had been repeated to all the bands, and was now repeated here. "After we are through, if you accept the propositions, we shall go to the Great Father with your grievances and do the best we can for you. The first important thing is for you to get your homes. Then the Great Father will know what to do, and will be anxious to do what is best for his children. While you are wandering without homes he has not known what to do."

Mr. Rice then read the letter of Bishop Marty to the Roman Catholic Indians of Minnesota, and asked if any further explanations were wanted.

O-GE-MAH-WOUB. I wish to ask you about the patents to the allotments.

Explained by the Commission.

O-GE-MAH-WOUB. It is hard for the Indians to understand many things. Our young men are in doubt. I am in doubt, so I ask questions. Who sells the pine, and does the land go also when the pine is sold?

Explained by the Commission.

O-GE-MAH-WOUB. I ask these questions so our people may understand it. Some say we shall be cheated, as we have been before. Some are afraid that after the fifty years have passed we shall be moved again.

Explained by the Commission.

O-GE-MAH-WOUB. At the end of twenty-five years will we have the right to sell our land to anyone?

Explained by the Commission.

QUOD-AINCE (to Mr. Rice). You are well known to all the Chippewas. All are glad that you are one of the Commissioners.

We are pleased to hear you say that you will wait for us to understand. What the Red Lake, White Earth, and other Indians have ceded, will it come to us—our share?

Explained by the Commission that all Chippewas in Minnesota are to share alike.

AFTERNOON SESSION.

O-GE-MAH-WOUB. You can almost see how my heart is on account of my sick child. We wish the young men not to leave all to the chiefs, but to ask questions themselves. When will our schools be established? When shall we go and settle on our allotments?

Explained by the chairman.

JAMES WAKEFIELD. Will there be any annuities besides the interest due us, and how are we to get the 5 per cent?

Explained by the Commission.

JAMES WAKEFIELD. Can we settle outside of a reservation and get our share of the money?

Answered "Yes" by the chairman. No rights affected by purchasing land outside of the reservations.

JAMES WAKEFIELD. When this act is signed by us and approved by the Great Father, when shall we receive any money?

Explained by the Commission.

MIS-QUOD-AINCE. Will everything be in the same dish? Shall we all be given alike? And shall we get ours as soon as the others? What about the stumpage money due the Mississippi Indians at White Earth? Shall we get a part of that?

Questions answered by the Commission.

JAMES WAKEFIELD. When and how will the reservoir damages be paid to us?

Explained by the Commission.

QUO-DANCE. When I was in Washington I was told that our reservation was much larger than it now appears to be. Has the Great Father taken away any part of it?

Mr. RICE. No.

MIS-QUOD-AINCE. When I was in Washington they read the treaty with us to me. I was told not to allow any timber to be cut, but great quantities have been cut. What has become of the $10,000 of annuities renewed by a treaty of 1865? We have never received it. Whose fault is it? Will you ask the Government to examine into the matter and let us know about it? The money was promised to us to buy cattle, and to give something to the chiefs, but we did not receive it. We hear that the White Earth Indians got it all. This is why we are so poor. We have no cattle, no plows, and how can we improve? The White Earth Indians have improved. But they have many cattle and plows. We have not even a hoe to dig up our gardens.

KAH-JE-GAY-BE-QUAY (Queen). You have heard what the chiefs have said about our reservation. I have thought also that our reservation was growing small. My father had a section on Rice Lake, and one of the other chiefs had a section on Sandy Lake.

The White Earth Indians get what belongs to us. But I do not wish to go to White Earth. I blame the agents.

O-GE-MAH-WOUB. We wish to have James Wakefield, mixed blood, of Aitkin, Minn., to be our secretary to communicate with the commission all about our matters. I wish to talk of the white men who marry our women not lawfully, but for bad purposes; and then they go away and leave their children for us to support. I blame our women for that. We are willing good white men should take our women if they marry them lawfully. Can an Indian woman go upon a reservation and take a white husband?

Answered by the chairman. If the woman is lawfully married to a white man she may take him with her to her allotment. If not legally married he will be ordered off the reservation, and may be sent to prison, the same as is done among white people.

EVENING SESSION OF THE COUNCIL.

QUOD-AINCE. I am going to tell you what we all think. I speak for the entire band, women, children, and all. We all feel satisfied with the propositions. But we have more questions to ask, and we can not finish to-day.

O-GE-MAH-WOUB. We hope the payment to be made under the new treaty will be paid honestly. That has not always been the case. I hope the commission will hurry in this work, so we will know what we are to do. We hope every one will be satisfied. We have to have everything fulfilled just as has been said in these councils.

Mr. RICE. We are pleased to hear that you are all united. It will please your Great Father very much. The President has never meant to be unjust to you. The injustice has been done by others. He has been deceived and you have been wronged. We will represent everything just as it is, and ask him to give relief as early as possible. We are especially pleased that the young men are so anxious to understand everything.

The chiefs have all spoken, and now we shall be glad to have the young men speak. We are all growing old, and the young men must learn to take the places of the older ones. When our report is printed in Washington we will send a copy to your secretary, Mr. Wakefield, so you will all know what we have said about you. We regard you as the head of the White Oak Point Indians. We shall leave the census roll with you.

WAH-AY-QUAH-KE-SHIG (of the Rabbitt Lake band). We have waited patiently to see the end of the council. Now that we understand all, we authorize O-ge-mah-woub to sign for us. We shall return to Rabbit Lake to-night.

O-GE-MAH-WOUB. The time you have spent is not lost. The work we shall do to-morrow will please you. I wish to speak of our rice fields. Once we could go in our canoes to the lake and we could fill them with rice in a short time. We have lost much rice in stopping to come here. We think it will be right for the commission to give us other provisions in place of the rice we have lost. We want tobacco also.

MONDAY MORNING, *September 23, 1889.*

The chairman presented the head chief with a copy of the census-roll of all the White Oak Point Indians.

O-GE-MAH-WOUB. We have left everything to our head chief. What he says we shall approve. We intended to have made a list of questions, but have not done so.

MIS-QUOD-AINCE. Some of our young men do not understand the title to the allotments. How are they to get it, and how much land will they get?

Fully explained.

MIS-QUOD-AINCE. Will you leave us any pine for our use?

Mr. RICE. We will ask the Great Father to set aside some pine sufficient for your use. But this is not in the bill you sign.

QUOD-AINCE. You ought to have brought the treaty book with you. Then we could have seen how it was written in the book, as it was in White Earth. If the book was here we could settle more satisfactorily. Will the papers we get be good after the fifty years are past?

Explained by the commission.

O-GE-MAH-WOUB. This is what I want. I believe you are sent by the Great Father to offer the best thing he could to us. But my heart is sometimes heavy lest by and by we shall be moved we know not where; but notwithstanding my fears I accept the act and hope all will be well with our children.

(A long discussion was had on the matter of allotments of agricultural lands and grazing land.)

QUOD-AINCE. I do not wish to go to White Earth; I wish to live and die in the land of my fathers. Most of my people feel as I do. When shall we receive the money due us? It should be paid to us here. We do not wish to go away to find our money.

Mr. RICE. It is the wish of the Great Father to make it as pleasant for you as he can, but that is a matter we can not decide now. It is our desire to assist you in every possible way. But much depends upon yourselves. You must try to help yourselves by being industrious, temperate, and law-abiding.

QUOD-AINCE. These are my last words. We can not tell when you will finish your work and go to the Great Father. When you do go I wish you to allow me to go with you and take three or four other chiefs with me.

Mr. RICE. There is a law against Indians going to Washington now. But after this matter is settled you can travel the same as white men. If the Great Father wants to see you, he will send for you.

At this point the Indians signified their readiness to "touch the pen," and all signed except a single individual, who said he was perfectly satisfied with the act, but since the treaty of three years ago he had raised his hand to the Great Spirit that he would never sign another treaty.

Here, as elsewhere, the Indians make bitter complaints that they have not been paid their annuities under the treaty of 1864, nor the damages on account of the reservoir dams.

FIRST COUNCIL WITH MILLE LAC INDIANS.

MILLE LAC RESERVATION, *October 2, 1889.*

This council was held in the woods on the bank of the lake.

Major SHULER. My friends, I am glad to meet you on this occasion. You have been assembled to meet the honorable commissioners who have been appointed to visit you by the President of the United States.

These commissioners have been sent to make a treaty with you. What they may have to say will be of great interest to you, and I wish you to pay strict attention so that you may fully understand it all. They come as your friends, and I am sure that you will discover that what they say deeply concerns your future welfare. I wish you to fully comprehend what is said, that you may make no mistake in your negotiations with these honorable commissioners. I now have the pleasure of introducing to you Mr. Rice, whom many of you know, and Hon. Dr. Whiting, who comes to you as one of the commissioners from Wisconsin.

Mr. RICE. The council will now come to order.

Commissioner WHITING. My friends, I have heard much of you. I know of the troubles you have had. I know, too, that in years gone by you were friendly and rendered important service to your Great Father's Government. Your services, your faithfulness to your Great Father in times when the white people were in peril, have not been forgotten. He finds that your existence as a people has become imperiled, owing to the great change of circumstances which surround you. In view of this fact, and fearing that your condition would become worse until it would be unbearable to you he sent your old-time friend here to tell you what was best for you to do.

Bad men have circulated bad stories about you, and if we had believed them all I should not have dared to come among you lest you should lift the hair off my head; but I am glad to find you a friendly people, and I already feel as though I was among friends whom I had known a long time.

When I first came to the borders of your reservation I asked you to meet your friends here at this place. You thought it strange perhaps that we were not willing to come to your place to meet you. The health of our chairman did not admit of his making that exposure. So as I valued your future happiness I believed it was our duty to beg you to come where this friend of yours, still with full vigor to defend your rights, could meet you in safety to himself, and I thank you for coming here. So as the Great Father regards you as his children, and as for the time a partial representative of the Government, I promise to tender you that kindness while you are here that a father always tenders his children.

Mr. RICE. My old friends, we have not come here for the purpose of driving a bargain with you. Our object is to see if we can not so arrange matters that you will know what to depend upon—not only your young men, but your women and children; not only for the present, but for the long future.

We are glad that your young men are here. We are glad to see so many of you. We are anxious that one and all should understand the object of our visit, for its importance to you now and hereafter is great.

The message that we bring will be read to you by my friend and colleague. At the first reading you may not understand it at all, but we are instructed by the President to patiently explain it to you afterwards. Not only that, but to answer any questions asked by you in regard to your affairs, and also to put down on paper everything that is said.

Commissioner Whiting then read the act of Congress under which the commission proceeded, it being interpreted phrase by phrase to the Indians, after which he continued:

This paper is tiresome to you to listen to all at once. You are not expected to understand all of its provisions by the reading of it, but you will find that the commission will listen to your questions, and answer all of them to your satisfaction, explaining everything in the bill that you may not understand.

Mr. RICE. By the reading of the act you saw that the President was authorized to appoint three commissioners.

Mr. Rice then read Bishop Marty's letter, and continued:

I shall detain you but a few moments now before dinner. I wish to refer to an old matter that has given you a great deal of trouble. That is the treaty made at Washington some twenty-five years ago. I was there, and know all about it. It was a wise treaty, and if it had been properly carried out you would have escaped all the trouble that has befallen you. Men who cared more for themselves than they did for you thought they had found a hole in it, and that they would take advantage of that and deprive you of your rights. They knew that the Government was engaged in a great war which occupied all its time. They thought that under the circumstances they would be able to drive you from this reservation.

You have some friends who worked for you continually. They had all they could possibly do to preserve your rights, and to see that in the end justice to you should be done. Among those friends was Joseph Robert, and I am very sorry that the Master of Life should have seen fit to have taken him away, because it would have been a pleasure to him to have been here and met us all to-day.

The time has come when I am able to tell you that all he said, all I have said to you, all the chiefs told you who were there and made the treaty is correct; that the understanding of the chiefs as to the treaty was right. Here is the acknowledgment of the Government that you were right, that "you have not forfeited your right to occupy the reservation."

We make this explanation now so you may not be like birds in a tree at whom a gun is being pointed, but that you may act without compulsion and without fear of interference with your rights. We wish in our negotiations to have all act—every one of you—as independent men without fear, and see if we can not come to a conclusion that will make your road broad and straight in the future. Some mistakes have been made during this long period since the treaty was made. We wish to see if we can not correct them, so that no one who has acted honestly or fairly should be disturbed or should be wronged. We want to correct all mistakes that have been made so far as we can.

It is now nearly dinner time, and if it suits you we will adjourn until 2 o'clock. I wish you would then meet us promptly, for we have a great deal to talk about. We hope that every young man will be present, for the old will soon be passing away and they will have to take their places. We want you all present so you will know what is done.

Adjourned.

AFTERNOON SESSION.

Mr. Rice. In order to come to an understanding, that you may know all that has been done I will try to make an explanation of matters not, perhaps, relating to the treaty itself.

Some of the old men will understand what I say, but it is something that the young men have probably never heard of. It seemed very hard to ask the Red Lake Indians to consolidate their interests with yours, but I knew and some others knew the early history of your tribe for a great many years back, and some of your old men will probably remember something of what I am about to say.

When I came into this country all of your young men, all of your able-bodied men were warriors, and you were engaged in war with the Sioux, not only to hold what you had, but to gain more, you having taken all this country from them.

The Red Lake Indians did not take that country from the Sioux alone; you all helped. You were all at war with the powerful tribe, and you all helped to take the Red Lake Reservation, with the rest of the territory. The greatest battle, the hardest-fought battle that ever took place between you and your enemies, took place at this place. The Sioux occupied this country, and the heaviest battle ever fought between Indians took place here, where you drove them out of their mud houses. From that time there were other battles, some large and some small, and you pushed the Sioux west to the prairies. Afterward you owned the country, and as you had taken it in common, it belonged to you in common.

In 1825, sixty-four years ago, you made a treaty with Generals Cass and Clark at Prairie du Chien, which established the southern boundary between you and the Sioux, the Pottawatomies and the Menomonies and other Indians. The Great Council, in looking over your history for a great many years back, came to the conclusion that the holding of the land should remain as at first, and that you should reap the benefit of your united efforts. As the Red Lake Indians are few in number, less than 1,200 on their immense reservation, we went there first and patiently explained to them the situation, just exactly how you all came by this land, and that the Great Father thought that the land should be considered as held in common. After several days' counciling the Red Lake Indians agreed to put all they have in with yours, and that you should hereafter all share alike. We are glad to say that they did it very

cheerfully and generously. We held out no inducements or promises. We made no threats. From there we went to White Earth. We were there some days, and you all know the result. They all signed and agreed to it except two of the mixed-bloods, and there may have been one Indian who did not sign. We saw the Gull Lake Indians, and every one of them signed. We then went to Leech Lake, and there, as you have probably heard, we had some trouble. We would have had no trouble and there would not have been a word of opposition there or at White Earth in the beginning, had it not been for some old matters which were unsettled and the damages by the reservoirs. But when we explained to them that this was a proposition coming from the Great Council and the President, and not like an ordinary treaty—that they had lost no rights under the old treaties, and that we would do our best to have those old matters settled equitably as soon as possible, they yielded and signed.

The acceptance of this act will not affect these old matters at all, or weaken your chances of obtaining hereafter your dues, but, on the contrary, leaves you in a stronger position than before.

Mr. Rice then made an elaborate explanation of the provisions of the act of Congress governing the commission, and also referred to the provisions of what is known as the Dawes bill, and continued:

We have not come here to scold or to coax, but to explain to you as men the true situation, and then leave to you the decision as to what you will do. We have been out nearly four months and our labor is not yet ended, having still a great deal to do; but I assure you we shall have the patience to listen to you as long as there is any necessity for it or any business to be done. So do not be afraid of exhausting our patience. If you have anything to say this afternoon we will listen. If not, you can get by yourselves and talk the matter over, and then we will meet again. That is all.

Shob-aush-kung. As I am not prepared to make a speech, I will not rise to address the commission. You see before you the friends you wished to meet here. They will answer nothing to-day. We have listened to you very attentively, and wish to profit by the words we have heard. One of the pleasantest things you have uttered this afternoon is that we can not exhaust your patience. We hope not. We will be very reasonable. We wish you to have all the patience in the world, and we will also be patient until we have arrived at an understanding. To-morrow, maybe before noon, maybe in the afternoon, whenever we have come to a conclusion as to what we should say to you—I hope you will have patience and wait until you receive our word that we are ready to meet you again.

Mr. Rice. Take your time. If you come to a hasty conclusion you may regret it, but if you take time to examine this well you will in the end be better satisfied.

Commissioner Whiting. You have paid so good attention that we will try to get you a good supper to-night. You may come down after council and get it.

Adjourned.

SECOND COUNCIL WITH MILLE LAC INDIANS.

October 3, 1889.

Mr. Rice. We meet at your request, ready to hear anything you may say.

Wah-we-yay-cum-ig. I wish to say a few words to the commission. It pleases me very much personally that you have condescended to come and meet me here on what used to be called my father's reservation. We wish to state that the remarks made yesterday and matters laid before us were not distinctly understood by all the young men of this place. We wish you should go over the same ground again, so that we will understand more fully. That is all.

Monz-o-maun-ay. When we are so far apart it is impossible to understand each other. It is our sincere wish that you may be pleased to have patience with us, show us leniency on account of our ignorance. We have some questions to ask and hope you may have patience with us. Please take one point at a time, one section, as it were, and explain it fully, and then take another, and so by degrees; there won't be so much confusion in our minds, and our young men will understand more readily. When we have all thoroughly understood the matter of these negotiations, then we with one accord will speak our minds. That is all.

Mr. Rice then repeated at length the explanation of the provisions of the act of Congress made the day before.

Monz-o-maun-ay. I am happy to say that we think this understanding is perfect. We think these young men understand all you have said. You will hear from the chiefs; you will hear from the braves and from the young men. We will gather this afternoon. We will discuss the matter very thoroughly. There will be three assemblies this afternoon. You will hear from us after we have discussed this matter among ourselves.

Adjourned.

THIRD COUNCIL WITH MILLE LAC INDIANS.

OCTOBER 4, 1889.

Mr. RICE. Council will come to order. We are ready to listen.

WAH-WE-WAY-CUM-IG. To-day will be devoted to questions and to-morrow will be the time for action. This is proper not only on our own account but on account of the commissioners.

SHOB-AUSH-KUNG. Yesterday you heard this young man who has just spoken, speak. You have heard again an expression of feeling by him. You see before you those who have been able to respond to your call. We speak to you, our old friend, who is so well known among the Indians as their old friend, to tell you that this is all that have come in response to the call of the commission. Since you have issued your call and since we have seen you, the parties who are sitting here before us, we were as two distinct parties, you were one and we were another party, and we did not come to an understanding very readily about a place of meeting. You can judge by the weather. It rained, it blowed so that it was impossible for us to come together. The weather was not propitious. But it appears that, seeing you are sitting here in the name of the Great Father to meet these Indians, we see by looking at the firmament and the clouds, that the latter have disappeared and that Providence is favoring us by the pleasant weather for this meeting. I can not give vent to my honest feeling. I can not give you an expression of my own feeling, but you shall hear an expression of the feeling of the young men, from the old men and from myself.

We can not possibly get through the business to-day that we have on hand; it is impossible. They have to state some things to you to show their wants, their condition, etc. Whatever is said will be said in the name of the whole tribe here; taking the ideas of the whole tribe. I will call on the Master of Life to show you the good intentions we have, that you may have patience with us and listen, and help us to understand exactly what we wish to know.

In the first place [removing his hat] the weather is very nice, and can not spoil any paper spread before you. We wish to see the maps, if you have any, to show us the size of our reservation, so when we call upon you to show us the extent of our reservation it will be witnessed, not only by the weak eyes of mortal man but by One who sees all things from on high. [To the Indians:] Is that your idea, my friends?

The map was produced.

MONZ-O-MAUN-AY. I wish to speak to the Indians and also to the commission. I do not wish to insult any of our visitors [referring to white men who were present in council], but I wish to speak very plainly. There is a business of the utmost importance to be discussed in open council, and I call upon the young men of the reservation to listen very attentively to all that is said in this discussion. It pleases the people of this reservation very much to have met you, to have met you heretofore and to meet you again and look at your faces and the expression of your faces. You see how nice the day is. Such a nice day as this ought to be a special day, as an indication of the expression made by the Mille Lac Indians that they were not in any way antagonistic to the propositions made to them by the commission, and it should be made manifest by our talk that the propositions are pleasing to them. We understand that you have been appointed by the President of the United States to lay before us all facts and matters pertaining to this act and all information desired by us on any point pertaining to our welfare. That is all I have to say.

Mr. RICE. Here is the map containing all the reservations, and which you may now examine. We want you all to see it so you will have no questions to ask hereafter.

The Indians gathered around the table, and Mr. Rice continued:

You can not all see it at at once, so a few had better come at a time. We will give you all an opportunity to see it. There [indicating] is the Mille Lacs Reservation, containing three islands in the southern part of the lake—three in all—although only two are shown on this map. This is the White Earth Reservation. These four townships, what is marked here, they have given up. This is your reservation north of Leech Lake. That is the Leech Lake Reservation. This is the Winnebagoshish Reservation. Cass Lake is here. Here is one of the reservations of the Bois Forts. There is another—Deer Creek. Here is the Fond du Lac, and here is Grand Portage. Here is the Red Lake Reservation, and here is the piece that we gave them from which to take their allotments.

MUH-ENG-AUNCE. It is said that this is wrong; that this reservation ought to extend to this creek up here [indicating on map].

Mr. RICE. This is the reservation according to the treaty.

MONZ-O-MAUN-AY. Your present interpreter and his brother over there, Clement Beaulieu, were there, and that is the way it was explained to this man's father, and

his father, Rice-maker, that the reservation extended clear up to the mouth of the creek.

Mr. RICE. The treaty did not explain it by creeks or lakes, but by the Government surveys. And it is very likely there might have been some misunderstanding at the time, but it is now too late to correct it, as this land has been sold to the whites.

MONZ-O-MAUN-AY. There is the big island and two others; there are four islands in all in our reservation. You (Paul H. Beaulieu) interpreted it at the time that it went to such a river and such a lake. We understood that the line extended up 3 miles further on the west side of the lake than it does on the map. One of the treaties said that so much of the land should be broken, and to show that that was so, and that the Government so understood it, it can be shown that the land was plowed up 3 miles north of the present reservation. And that it was the Indians' money which was so expended on land which the whites have the benefit of; and we have lost the money and the land. Where does the mistake come from?

Mr. RICE. Well, we will have to hunt it up. We can not correct it here.

MONZ-O-MAUN-AY. It was agreed at that time that my chiefs here should take the measurement of the land themselves, in accordance with their wishes, and not to meddle with the regular actual survey.

Mr. RICE. We see now that your money was taken to plow land that is outside of the reservation, and accrued to the benefit of the white men.

SHOB-AUSH-KUNG. I think I am the only man living who was present at the time of the making of that treaty. I saw you (Mr. Rice) there then; but on the Indian side I am the only man alive.

This interpreter was there then. The river should be the line of our reservation. I am not sure that you (Paul H. Beaulieu) are the person who interpreted.

PAUL H. BEAULIEU. I was certainly there, and I think I did all the interpreting.

SHOB-AUSH-KUNG. There is a big point there, which goes right through that island south. That was to be our land; that is the way we understood it.

(NOTE.—Town 44, range 28, section 13, lots 1 and 2, now the property of Mr. Dinwiddee, upon which the land alluded to was cleared and plowed at the expense of the Indians.)

Right from the mouth of the river, in a direct line through the lake, where old Jim Whitehead's trading-post was, that is a gravelly shore; that is the place where our reservation started from towards the interior.

Mr. RICE. We will take this all down. There was a great mistake made, and we will try to correct it in some way; but the land has been sold to the whites and can not be taken back, although there may be some way in which we can arrange it. We have it all on paper.

SHOB-AUSH-KUNG. It is said in the negotiations that the water was not counted in as land at all, but it was only for the purpose of stating direct where it would go to. We were told not to have anything to do with the surveyors—that they were surveying to find out how much land there was there in accordance with the surveys. They said: "Whenever the surveys are made, you let me know and I will send a man." This is what was told me at the Department: "He will stand on the edge of the shore and then he will go back to where there is a limit of 6 miles." That is the way we understood it—that it would be 6 miles limit from here to that place. That is what we were given to understand all the time. We were told that we would accompany the surveyor, whoever would survey that land; that when he had gone a mile he would make a mark and we would make a mark of our own, also, and when we had gotten 6 miles the surveyor would make his mark and we would make ours also, so that in future we could not mistake the size of our reservation. We have seen all these things, and I am alive to state all these facts. I am glad to know that I am not feeling my way, but stating what I heard, because I saw all these matters and heard what was told at that time.

Mr. RICE. We are very glad to hear all that you have said, and you will all hear from it.

As this is a navigable lake, you have the right to use it the same as the whites. It is in common; they have the right to go to the south side, and you have the right to go to the north side—that is, over the water.

This matter of the mistake gives you a strong claim. Did the Government break any land on what is now called your reservation?

SHOB-AUSH-KUNG. That piece upon the farm of Mr. Dinwidde is the only piece ever broken by the Government. There never was a single furrow broken at any place save that place there; hence we were led to believe that that was the limit of our reservation where that land was broken. It was under the agency of Major Harriman that that land was broken for the Indians.

MUH-ENG-AUNCE (to the Indians). You shall hear what I have to say. You wished me to say a few words in behalf of the tribe. I wish to speak on other matters, not on this matter that has been discussed.

Our friend, the White Rice, I have understood everything you have put before us for consideration. You say that whoever wishes to go to White Earth shall be allowed to do so. We make known to you that as the Government speaks so kindly, and as you have uttered the words of the law, stating that an Indian can take his allotment on the reservation where he resides, we make known to you that we wish to take our allotments on this reservation, and not to be removed to White Earth.

I am now going to make known to you the wishes of the people and the wishes of the young men, but these men here [indicating the chiefs] will promulgate the ideas of all the young men whenever they have made up their minds to come and state what they wish or what they are going to do.

To-day will be devoted to asking questions. The young men hear this; that you wish to purchase from them the farming land and also the pinery. We wish our friend, the White Rice, to state just exactly the facts. They point to me and tell me to use the very best Chippewa that I know in stating this important question.

Also, there is a lot of children here. Other children will be born to us. How will it be about those who are born hereafter. That is what the young men wish to know, and the braves also.

Mr. RICE. You are entitled to select for your allotments the lands called farming lands, all that can be used as such; we do not ask you to dispose of a foot of that. And there will be nothing done with the lands until you have your allotments.

You will not only have your farming lands, hay lands, but your hard-wood lands, and sugar bush. You are not compelled, where there are two or three of you, to take land in one place. One can take for the farm, another can take the 40 acres in sugar bush, and another can take meadow lands.

As to the children not born, it will be a good many years before they will be able to cultivate any land. When that times comes it is hoped that you will be able to buy more land, as white men do. You do not know what you are getting. If a white man has a dozen children he only gets 160 acres, but every one of your children gets 40 acres, while the white children get none. There is more land than you will cultivate in a great many years. Some questions will arise which may perplex you and give you some uneasiness, but I want to tell you that you must not attempt to settle any of those things yourselves. They will all be settled in Washington. If you attempt it you will fail, and you may make matters worse.

There is nothing now to prevent your taking allotments that are not claimed by others or occupied. When this matter shall be gone through with at Washington, surveyors will be employed here to show you the lines so ev-rything will be not only convenient for you, but correct. Now, you understand that none but the pine is to be put into market, and it will take some time to do that. If I have answered all your questions satisfactorily, we are ready for more.

MUH-ENG-AUNCE. We want to know at what time we will receive from the Government our conditional patent.

Mr. RICE. You will receive it just as soon as it can be made out after the allotments are taken. That you may understand it, I will tell you that we are appointed to make the allotments, and when we have done it that is the end of it.

MUH-ENG-AUNCE. We wish to know of the commission if the Indians are going to have a sawmill here, and also a man to show us how to farm, and a blacksmith and schoolmasters, and a man as overseer who can write? Is it possible to get them?

Mr. RICE. We shall recommend all these things, and expect that you will have them. We hope you are going to improve and advance, and how can you do it without these things? It is not the intention of the Government to pull out your teeth and then tell you to eat tough meat. If it had wanted to deceive you through us, only three or four of you would have been called together, and then, perhaps, you could not prove what was said, but we wanted you all here. We are ready for more questions.

MONZ-O-MAUN-AY. We wish the commission would adjourn for dinner. But we wish to talk to our old friend, the doctor. Long before your arrival, all over the country, the story was that you were the most successful hunter in this section. We would like to see some of his prowess in hunting. Supposing we invite him to hunt this afternoon?

Commissioner WHITING. I have sent a Government bullet after a moose.

AFTERNOON SESSION.

Mr. RICE. I wish to say that there is a law of Congress authorizing missionaries to use a piece of land upon every reservation. It is not given to them, but they have the use of it. Congress has also appropriated money for the purpose of clothing and educating such of your children as attend the schools of such missionaries. We understand there is a prospect of a school being started among you this fall. We hope so,

because it will give you an opportunity to send your children to school and be cared for, and you will have a white man among you whom you can consult.

Our young men are waiting to take the roll. It will require a long time to compile an accurate one, and we wish to have it completed as soon as possible. They are waiting down at the house. There is to be a copy made to be left with you. It will be necessary for the chiefs and some of your headmen of each band to go and give in the names, as we do not want any one left out. To give you as good an opportunity as possible they will work to-night.

We will now allow you to continue your remarks and to ask questions if you wish.

WAY-WE-YAY-CUM-IG. The persons who were entrusted with the duty of making known to the commission the wants of the people of this reservation, and anything else suggested, will now begin.

MUH-ENG-AUNCE. The chiefs and those back of them all belong to this organization; a committee, as it were, of these Indians. The words I shall say are the ideas of all those before you.

How will it be in the future relative to the building of the dams on the river, which will cause a loss to us, our rice—how is that going to be? And a great many whites are making themselves masters of the meadows inside our reservation. They have cut hay on our reservation, and how is that to be settled? Last winter there was a great deal of hay stolen from the Indians of this reservation by the whites; how is that to be adjudicated? The chiefs here and the old men have always made it a point to tell the young men not to mind it, saying, "The time will come when you will have a settlement of this whole matter."

Inside this reservation there are a great many pines that have been cut. We should like to know what will be the final result of that? Another thing—about the wild animals. If an Indian wishes to go outside of the reservation to hunt deer, will he be allowed to do so in the hunting season? One thing we wish to know for the satisfaction of the people of this reservation: There are many white people who have taken land here. What is to become of them? How is the Government to dispose of them? Are they going to go away soon, and is this question forever settled so far as the Indian is concerned? Are we going to meet with any more difficulties relative to our land and our possessions here, and our rights?

When the whites come amongst us, the first thing they do is to take a mouthful here and a mouthful there. We look at them; they take what belongs to us; we don't say a word. What will be the final arrangement as to this matter?

KAY-GWAY-DO-SAY. We take all these pains so there will be no more trouble in the future. We have had trouble enough heretofore.

Mr. RICE. In regard to the dams and the drainage of your lake, those are matters that the State is looking into. The Government is giving attention to that, and you will probably hear from it soon. In regard to the cutting of hay and timber trespasses, those are matters that your agent will probably speak to you about; he has charge of these. In regard to the settlers upon your lands, that is a matter which we will tell you about hereafter; it is a matter to be settled in Washington. Some of them have papers which they have received, and they know about the position they occupy. I do not think any more will come upon your reservation, and perhaps some who are merely visiting you will leave.

There are some other cases that are different; they will be carefully looked into, and whatever is right will be done. At any rate all will be done for the best, in the interest of justice and to your satisfaction.

In regard to hunting deer, that is a matter for the legislature of the State to determine. You can hunt deer in any event, wherever you find them during the season set apart for hunting, and wherever the white man may hunt, your young men will have the same right to do so. If you commit any depredations upon any man's property you will be punished for it.

B. P. SHULER. I want to speak to you in regard to the hay, and cutting lumber on the reservation. Any white man who cuts hay upon your reservation without permission is liable to prosecution. His hay is subject to seizure on your reservation, and can be sold for your benefit. Any man who cuts pine on your reservation commits a trespass for which he can and will be punished.

Any timber that he has cut before notice is received of it can be seized and sold for your benefit, just the same as in the case of hay. I am a good ways from you, but if you know of any trespasses upon your reservation of any amount, if you will notify me I will try to attend to it.

MUH-ENG-AUNCE (hands Major Shuler a piece of paper). That paper gives the name of a man who has cut hay on this reservation. The man that he hired was a cook, and that is the man that cut the hay. That ain't the man's name who cut the hay, but it is the name of a man who owns the hay and had it cut. There were twenty stacks—twenty tons—and they are still on the reservation.

B. P. SHULER. I know the man very well.

MUH-ENG-AUNCE. That is right near the post we saw on the other side and another near Wigwam Bay. I have a complaint to enter against a man who stole my hay last winter.

B. P. SHULER. You must not interrupt the council now, but I will see you at any other time.

MUH-ENG-AUNCE. One word more. This is a question that these people don't understand, and that is why I wish to ask it. When these lands are allotted the numbers in accordance with the Government survey shall be placed opposite the Indian's name; that is his allotment, and then the conditional patent is given. Is that right?

Mr. RICE. It is.

MUH-ENG-AUNCE. I wish to talk relative to the mixed-bloods. We wish to know this, so we can not be mistaken in our actions hereafter. The mixed-bloods residing inside of the reservation with us, in what light shall we look upon them? The mixed-bloods outside of the reservation who say, "Some of these days I am going to their reservation, and I am going to try to take land there," what is their status?

Mr. RICE. The mixed-bloods residing upon your reservation, and acknowledged as belonging to your tribe, will be treated the same as yourselves. If there are any others who apply to be admitted for the purpose of taking land, and you object, the matter will be referred to Washington. It can not be decided without a hearing.

Now, in giving in your roll, if there are any you object to it will be noted down. So when the roll is completed a copy will be left with your head chief. We want you to be particular, as the roll is of more importance than you think. We hope and believe that the time has come when you will have something to say about your own affairs, and therefore we want you to attend to the business before you yourselves. None will be enabled to take lands with our consent unless they are enrolled.

WILLIAM HANKS. How do I stand in this respect; I have land that I bought; have I a right to any more land on the reservation?

Mr. RICE. Is the land you bought outside of any reservation?

WILLIAM HANKS. Yes, sir.

Mr. RICE. If you are recognized as a member of the tribe you have just the same interests here as if you had not purchased the lands. This does not prevent any of you from buying land outside if you have the means to pay for it.

WILLIAM HANKS. If I should give up my share of allotments here I have not land enough there to make up the amounts due me; could I take lands there in lieu of taking them here?

Mr. RICE. If you do not take your allotments here, you can enter any land vacant under the homestead law. But you do not forfeit any rights to annuities by so doing. When the matter comes up we will see that the law is made perfectly plain, so you will all understand it. You pay nothing for the homestead, but no matter how much land you buy you still have your right to land on the reservation.

WILLIAM HANKS. That is all, and that is satisfactory.

MUH-ENG-AUNCE. The young men think that whoever has cut any timber on this reservation that the matter should be followed up. We are addressing the agent now. We wish that the agent should inquire into all these depredations. They come here and cut timber and sell it. They have done it for fifteen years past. We wish to ask about the Snake River Indians, those who are of this reservation. We wish to know where our allotments will be made; will they be made to us anywhere on Snake River or on this reservation? Our friend, the White Rice, explained that to us. There is a man here who is actually a chief, old Buffalo's son, and another from Snake River, and they wish to know this.

Mr. RICE. The Snake River Indians stand upon the same footing that you do on this reservation; they can not take their allotments anywhere except on this reservation or at White Earth. You can give up your interest in this reservation, in the land, and take homesteads elsewhere, and still be entitled to draw the same annuities that the others do. On the homestead you have to live five years and then you get a patent, but you can not sell it for five years after the patent is issued; neither can it be taken from you on execution. We are in hopes, when we get in working order, to have some one here to explain the law and everything connected with these matters. Those wishing to draw their annuities must be enrolled, and the two chiefs from Snake River will perhaps be able to act for their people. If they have come here representing their people they will be authorized to act for them. There is no question in regard to their having the same interest here that you have.

WAH-WE-YAY-CUM-IG. They roam that country because they are accustomed to it.

MUH-ENG-AUNCE. Our friend, Mr. Rice, and the other commissioners: Now we will get amongst ourselves, and see how many there are to be enrolled. To-morrow we will give you an answer about your mission and give in our rolls. We have finished for to-day.

FOURTH COUNCIL WITH MILLE LAC INDIANS.

OCTOBER 5, 1889.

MUH-ENG-AUNCE (addressing the Indians). My friends of Mille Lac, we are not assembled here for the purpose of just uttering words of no account. We must take courage and let us see what we can do for our benefit. Let us see if we can not arrive at a conclusion that will be beneficial to us. Our chief says we must accept what I am going to tell you. Do not let us look on this as a mockery. This is a settlement of all our past difficulties. We have suffered in the past; do not let us be children. Do not let us miss this chance. They tell us that we are going to stay here forever, and that they are going to make allotments here to us. Let us trust to them; don't let us lose faith in the words of the commissioner. The oldest friend we have is here, and our Great Father has selected him and we must listen. This is all I have to say to you, my young men. Do not be foolish, I say again; let us accept this proposition. I trust to you that you will not act in a foolish way.

If the White Rice and the other commissioner will please grant the request of the Indians of Mille Lac, it is the first we shall make of them, and we shall express our opinion of the proposition made to us. The chiefs here are very anxious that this arrangement should come to a close to-day.

Will the Mille Lac Indians be in receipt of cattle and agricultural implements after the land is allotted to them in severalty, or shall the lands be allotted without anything to work with?

MONZ-O-MAUN-AY. It is the wish of the Indians that the Commission should answer what has just been spoken.

Mr. RICE. It is expected that the allottments will be made first, so that it will be known where the improvements can be made for such as wish to make homes for themselves. Of the $90,000 that the Great Father loans to you, you can use a portion in making improvements if you wish. You know very well that you can have no money of your own until your pine is sold. It may be that the Government will see fit during the winter to make an advance of money to enable such of you as wish to farm to furnish you with cattle and implements, but it is not in the treaty and we do not promise it. We only say that it may be. It is not in these negotiations that you should have a mill this winter, but it may be that the Government will send you one this fall or early in the winter, that you may be prepared in the spring to build houses and make a start in life. It may be that a man will be sent here under your agent to consult with you; a man you can talk to in regard to your business, so you will not be at a loss at any time. But we wish you to distinctly understand that these things are not in the paper, and if they do not come about, you must not blame any one. The Government does not wish you to become any poorer than you are now; you are poor enough.

The object is to enable you to better your condition. We come here as your friends. Your agent is here to see your condition. All we can say is that our words will be true and straight. We have not asked you to make any promises; we have not asked one of you to sign this agreement, and you must not ask us to make promises. We will do our duty to the Government; we will do our duty to you. We hope that with this you will be satisfied. Words and promises are cheap, and we do not wish to use either unnecessarily. You chiefs and head men and young men, there is not one of you but feels in his heart that he is with his friends.

MONZ-O-MAUN-AY. You, my friend, the White Rice, who have been a long time in this country and knowing to our business, you are not ignorant of the amount of money that has been taken from our annuities in the past. We ask this of you, my friend: Is it likely that any time we shall use any of that money that we call the arrearage fund that is due us? You know about it, and the old trader there (Clement H. Beaulieu) knows about it.

Mr. RICE. In 1854, thirty-five years ago, in a treaty at La Pointe, I first told you of this; that there was money due, and I put it in the treaty, so that when the amount was ascertained the money should be paid you. We commenced working to find the money; it was scattered in small and large amounts, and from time to time we thought we had got pretty well along, when the great war broke out and stopped everything. Your friends worked at this until I think about ten years ago, when a report was made, and they found $118,000 due you. You know a part of this belongs to the Indians of Lake Superior, the other part to you. The Commissioner of Indian Affairs said this belonged to you, that the Government owes it to you, and asked the Great Council to make the appropriation. The only reason we know of why it was not appropriated is your unsettled condition. We have explained this to the other Mississippi Indians wherever we have been, and have promised to do all that we possibly can to have that money appropriated this coming winter. We hope it will be paid to you when you need it the most. It is not disputed that the Government owes you

the money, but it has taken a long time to find it. It has been so many years that a little has dropped out here and there, so that it has taken a great while to ascertain the amount.

KAY-GWAY-DO-SAY. My friend, the White Rice, we know very well that this must be very tedious and tiresome to you—that you have had a great deal of work to do; but, nevertheless, we have a little burden for you to carry to the Great Father. We recognize the power vested in you, and we know whatever words are uttered shall be taken to the Great Father. We are depending very largely on rice fields for our subsistence. A dam has been built, ruining the rice fields on our reservation. The dam overflows the rice and ruins our crop. It is over thirty years since that dam was constructed and our rice fields year by year are destroyed. I have also heard two lumbermen utter these words: "We have come here for the purpose of cutting timber on the Indian reservation." I told them that I did not think they would be able to get any pine, because the land was occupied by the Indians. But still this man went to work and did cut lumber on the reservation. Now, it is very surprising to us how such a thing could have happened. The man told us positively that they had received a patent for that land. We wish to know who opened this reservation so that those patents could be good for pine lands. There is not an Indian of Mille Lac but what knows that what I am now uttering is the truth. We wish you to call that to the notice of our Great Father and see who originated that and by what authority it was opened.

Mr. RICE. We will send your words to Washington about those matters and call special attention to them.

MUH-ENG-AUNCE. We have heard a great deal about the money to be paid us on account of the damage. What is the status of the Indians relative to that, the reservoir damages? In the past the Government has purchased goods for us cheaper than we could. It is our request that you should inform the Government that we would like to have them purchase goods for us hereafter. We wish to state that we have been rather pressed about this matter; we don't think we have had time enough for full discussion. We will now retire and afterwards report.

Mr. RICE. A commission was sent soon after the first work on the reservoirs was done, but its report was not satisfactory to anyone, as it did not allow enough. A few years afterward, Captain Blakely, Governor Marshall, and Rev. Mr. Gilfillan were appointed a commission to ascertain the damages. They made a thorough examination and report. It was a very fair one, which was that so much money should be paid to you every year. Before the Government had time to consider that, the Northwest Commission was sent out, and they agreed with the Indians that $150,000 should be paid for the damages, $100,000 to go to the Pillagers and $50,000 to go to you.

The object of the Government and our intention is to settle up all these matters as rapidly as we can, so you can start out anew. It is the best that everything should be settled so that none of us will have to look behind hereafter. We know that it is right that this should be done, and we know it is what you desire. None of us can go ahead very fast when there is something pulling us back all the time.

AFTERNOON SESSION.

Commissioner WHITING. Now, my friends, if you are ready, we will declare this council open to hear anything further from you.

WAH-WE-YAY-CUM-IG. It is about time now for the chiefs, if they desire to say anything, to proceed.

MUH-ENG-AUNCE. Our friends have again opened the council for us to proceed. We wish to ask, after the pine has been cut off the pine lands, could we not have allotments made from where the pine is taken? I have one question now that I wish to address direct to our agent relative to the annuities. The last annuities that the late agent paid to us—and I wish also to refer to the other agent who was here before the last agent. What shall become of that money that is due those persons who did not receive annuities at that time? There are two agents back that the money has been due from, to a portion of our bands. What is to become of that money? I know positively two of my own band who have not received annuities for that length of time, and there are others of the chiefs who say that some of their bands have received no annuities. They think that annuity is still due them. We wish first to hear from Mr. Rice and then from the agent.

Mr. RICE. The land goes with the pine. The white man who buys the pine takes his own time to cut it, but he pays for the pine and the land together. Every tree that is burned after the sale is his loss; every tree burned before the sale is your loss. If you only sold the pine it would bring you very little money, or you would have

to wait a long time for it. By selling it together you get much more, and you then don't care when the white man cuts it. If you sold the pine without the land, the land would be taxed and would soon eat itself up, but as soon as the sale takes place the purchaser has to pay all the taxes on the land and on the pine.

B. P. SHULER. It is said there are a good many annuities due to the Mississippi Chippewa Indians. I am unable to say how much. I have been so busy since I came into the office that I have not had time to hunt up the papers. Under the law every agent when he goes out of office must turn that money back into the Treasury of the United States. Any agent who has not done that will be held responsible—he or his bondsmen. As soon as I get time I am going to look that money up, and if I can't find any record of it in the office at White Earth, I will write to the Department at Washington and get a statement of what is due to the Indians here. I have been informed by the agent whose term has just expired that there is $2,002 due these Indians here that has been turned back into the Treasury.

SHOB-AUSH-KUNG. You see that I am pretty well advanced in age, and so are you. I understand the words you bring to us, and I understand they are words of wisdom and words of authority. I understand everything you have said. What pleases me the most is to hear what you are ready to do for these Indians, what you are going to give the Mille Lac Indians, my fellow Indians who reside on this reservation. My friends, I do not wish to shove you away; I wish you to understand that the words you have brought are in my heart, and I accept what you have told me. Although I understand you thoroughly, I want you to answer me this question: Where do you take these words from; who sent you here to utter the words you have spoken? Will you please answer me the last question?

Mr. RICE. We came direct from the Great Father; from no one else.

SHOB-AUSH-KUNG. The last question you have answered rivets the friendship and rivets the words you have put into our hearts; they are there to stay. You have come from high authority. Whatever you say are the words of the Great Father, and express the wishes of the Government. You have acknowledged in the name of the Government that it owes these Indians, and have made the explanation. The Government has borrowed that money from us and is keeping it. (To the Indians.) Is that the way you understand it, my friends? (The Indians answer "yes.") We do no not wish to play hide and seek; we wish to come right straight forward and express our opinion. We don't deny that the Great Father has money. Muh-eng-aunce and I went into the Treasury of the Great Father and saw the piles of money that the Government has.

My friend, Mr. Rice, we know you are old; we know that you take great interest in us; we know if you undertake to find that money you will discover what is due us and get it.

My friend, I am always fearful, as I am getting to be an old man, and I am afraid that if you had not come here and taken an interest in our behalf we never would have seen that money. There is nothing we can say that is new under the sun. It may happen that that money due us is melted into one solid mass and can not be obtained, but before it is melted into a solid mass try to get for us the amount that is due us. [Shouts from the Indians.] Not for myself, my friends; you see how old I am. A man of my age, the past has proven, can not always live. I may pass away without being benefited by that money, but I speak for those you see here; I speak for the women and children whose money it is, and I hope they will reap the benefits of it. My friends, I want to shake hands with you once more (shaking hands with the commissioners). I have referred to my age. I raise my hand to the Master of Life that he may witness my good intention, and I call upon you to have pity on my words and see that they are verified.

Mr. RICE. If our lives are spared we will do all that we can to benefit you, and we hope in the end the result will prove perfectly satisfactory.

MUH-ENG-AUNCE. Those who are inside the reservation—the people—wish to know positively that the whites will be removed immediately; that is what we wish.

Mr. RICE. Your words are taken down. We can not answer that question, as it is a matter to be referred to Washington, and is for the Government to decide. There is only one thing to be done, and that is for you to keep quiet and disturb no one. Wait until you hear from your Great Father. If there is anything wrong he will correct it; he will not permit you to do so. The law has come to stay, and when it is appealed to its decisions will be made in the interests of justice without regard to the preferences of the Indian, the white man, or the black man, the rich or the poor. Any rash act might destroy all that has been accomplished.

KAY-GWAY-DO-SAY (addressing the Indians). Do not keep the Commission waiting. Now is the time to decide about signing. If any of the chiefs are opposed, let it be known immediately.

NAY-ABE-ABE. The men you see seated here understand all you have told them. We know the Great Father is going to fulfill all that has been said here. We wish to refer to our Great Father's men who have abused us a long time. We understand it will be left to our Great Father to fix all the difficulties that surround us. The people here are very much pleased that that is to be the case.

Mr. RICE. When you are ready to sign you may signify it.

SHOB-AUSH-KUNG. So far as I can judge, every man accepts this proposition—those who will be on the roll. That is the way I understand it now. I do not talk at random. I inquired into their feelings, and they said, "We accept this, and accept that;" and in so accepting, they accept it all. That is what I come to tell you.

Wah-we-yay-cum-ig then addressed the Indians.

MUH-ENG-AUNCE (after addressing the Indians). My friend, the time has arrived when we must ask you something. This is another great consequence. This young man [Way-we-yay-cum-ig] has to-day proclaimed his rights as the head chief of this tribe. He has said that he wished to accept of the proposition. He wished to call the honorable commissioners to the test, and that the three commissioners should all declare to the Master of Life that they will solemnly carry out what you have promulgated to them.

SHOB-AUSH-KUNG. You know very well that the Indians do not wish to do anything that may hurt the feelings of the honorable commissioners or mar the peace and friendship that exists between us. That the Mille Lac Indians are well behaved, that they are doing their best to behave well, I have noticed for a long time, and it is actually so. You know very well that at the time the country was in difficulty and there was an outbreak what the attitude of the Mille Lac Indians was. They offered their services to the Government of the Great Father. The promises they made then, and the loyalty they showed, they still preserve. They covet the friendship of the whites and protection of the Great Father.

It now seems as if this reservation was shaking all the time, on account of the excitement and conflicting interests. We wish you to quell that shaking, and we depend upon you to do it. We wish to remain here, quiet and in peace, and will do nothing wrong. All that we will look for hereafter will be to see the face of the White Rice among us to come and make the allotments and to do what he says. There is all to be gained by remaining quiet, and we promise to do it. That is what I promised them to tell you. Whenever a man comes here clandestinely, let him come from where he may, to make trouble, it will make no difference; we will give him to understand that we want none of his advice. The words that the White Rice put in our ears are still ringing, and we will tell that man to retire in quiet. Many will be the influences which will tell us that nothing of this will be fulfilled. "Do not believe anything of it." Many of those words will we hear. We have heard the words, and we will depend upon them. They say they wish to have their allotments made here, and made solid under their seats, solider and solider every move of their bodies; that is what we want. The sun is getting low; we are waiting for each other on each side. What shall we do? It will not do to wait until night we must complete this arrangement.

KAY-GWAY-DO-SAY. I wish to say a few words to our friend, the White Rice. The Mille Lac Indians understood—they say that you said at Sandy Lake that you would see the Mille Lac Indians here only for a moment, and that if we would not listen you would throw us aside. But we have heard from your own mouth, from the Commission, and our hearts are settled on that point, and that you intend our good that we are going to have our allotments on our old reservation where we have resided. Our head chief has accepted the proposition. He has studied this matter thoroughly. I follow in his footsteps. I think this is for the benefit of our children and for their happiness.

WAH-WE-YAY-CUM-IG. The honorable commissioners will please put down their names before we sign. As soon as your signatures are written we will sign.

The commissioners signed their names.

WAH-WE-YAY-CUM-IG. Let us raise our hands as a token of sincere friendship.

The commissioners and Wah-we-yay-cum-ig stood up and raised their hands while the Indians shouted "Ho!"

Wah-we-yay-cum-ig then signed the agreement, followed by the other chiefs, head men, braves, and young men, Monz-o-maun-ay saying that he wanted "to hold the rudder;" that is, to sign last of the chiefs, and continued:

I think you have the signatures of all the chiefs. I touch the pen in accordance with this act, and I hope the Great Father will fulfill the promises made through his commissioners. We wish to reserve for ourselves some pine that will enable us to make houses.

Commissioner WHITING. That has been said and we have it down.

MOSZ-O-MAUN-AY (touching the pen). And I do not want to be removed from here.

KAY-GWAY-DO-SAY. Never while I have been living have I touched the pen for any arrangement, but I shall now do so out of respect for my chiefs who say they understand this. I do it because I receive annuities for a life-time, and I also do it on behalf of my children.

We wish to have 320 acres at a place for a settlement. I mean a place where our schools, etc., shall be.

Mr. RICE. It is hoped you will have a superintendent and blacksmith, farmer, a man to run your mill, and physician, and that there will also be schools and missionaries. It is necessary that there should be a place for their accommodation. That, I suppose, is your object in wishing the land reserved, and I think it is a good idea. It will be the same as a village is among white people, where they go to do business.

Commissioner WHITING. My friends, at this, our last meeting, it seemed to me that I ought to say some things to you that I have not had opportunity to say before. In your negotiations with the Commission during the last week you have transacted by far the most important act of your lives in these many years. We hope and believe that it is a beginning of a new life for you. In beginning this new life you will find some difficulties. When the white people first began their new life in this country there were great hardships, and they struggled manfully against their burdens for many years. But they were a hardy, persevering, patient people, and they toiled on and on amid difficulties until they have finally, as you see, become the richest and most prosperous nation on the globe. This life of farming which you are going to enter upon, on land that you own, and will own forever, is that new life to you, and you have got to learn it with patience. You will soon learn to hold the plow, to use the hoe, to push the spade into the ground, and you will like it, I know.

I can not express to you the pleasure I have had in meeting you and finding you so kindly a people. Of course you know there is a certain class of people who want the land you have lived on. We were at one time afraid you would not come to see us, and we knew that that would be bad for you.

Your hardest time will be over in a few years. If you cultivate the land you own, you will raise one year enough so that you can lay by in your storehouses sufficient for the next year, should there come an early frost, and you will have enough to live on until the next crop comes. If you are prosperous, as you may be, your children, the children of the young men who are now living, will be the richest people in this great State of Minnesota. You have all the land you know what to do with, and more, but the lands are of little use unless you cultivate them to produce what you want for your comfort. And money is worse than nothing if you do not spend it wisely.

And so now, as you are to take the places of citizens, and live as other citizens of the nation live, I want to exhort you to do certain things. First, when you get money, if you owe any of your brothers or any one else, any white man, anything, pay what you honestly owe. Always conduct yourselves so that you are not afraid to meet any man and look him in the face. Then I ask you to be patient with the visitors who come to live near you. If some men have settled near you upon what you think is your land, do not try to drive them away yourselves. Appeal to your Great Father, who certainly will settle such difficulties in an honest, proper way. The white man is encroached upon many times by his white brother, but he has to wait. A man can not take the law into his own hands, although he may think it is right. He must wait patiently for the law to settle it, and so you must wait. It is sometimes hard for us to wait for the law, but the white man has to do so, and you must wait, too, and wait patiently, knowing that it will be made right at last.

There is one other thing that I want to speak to you about, and then I have done: There is the world over a terrible habit among the human race of taking fire-water. It curses the white man and destroys his family and himself. It is no worse for you than it is for the white man, but it will destroy both. I am getting to be a pretty old man, but all along the pathway I have traveled from boyhood I have seen my best friends that I loved dropping down, down, down, because of their habit of taking this terrible drink. The troubles that men get into, no matter what their color or where they live, the troubles they get into are largely due to the fact that they drink this burning water. You can recall, I doubt not, among yourselves that where any difficulties have arisen between you and your neighbors, many times it has come because of this terrible drink.

I want you chiefs and head men to ask your young men not to use it. The man who brings it on your reservation, or near your reservation where it can be got, is your enemy. I felt troubled by the bad stories that had been told of you. I was afraid you would not be sober when I came here, and that I could not talk to you. You can not know how glad I was when I met you and saw you and said, "These

are sober men." You have seen drunken men; men who have taken so much this burning liquid that they were men no longer. It makes the brave man, the kin hearted brother, the loving father, it makes him as hideous as the horrid serpe that bites you. It makes him as filthy as the wolverine, that wallows in his filt It makes men fierce as the tiger, that springs upon a man to destroy him. An above all, it destroys not only the body, but it destroys that part of the man whi hereafter goes to dwell with the Great Master of Life.

So I say the only safety for man, whether he be Indian or whether he be whit the only safety is to shut his mouth against this terrible drink. Whenever it offered to you say, "No." Write "Kah-ween" across the forehead of the boys, th each may read it from the others not to touch it. Write "Kah-ween" across t hand, so that it will not take the cup that is to carry it to the mouth. Emblazon the trees that guide you through the forest "Kah-ween" also.

And now, my friends, I have said this to you because I want to do you all the go I can in this new prospect that is before you. So now my last words: Live sober industriously, honestly, and you will succeed. We shall not all meet again. Wh ever comes I ask you to remember that I came to you with the kindest feeling a that I have tried to do my duty. If trouble or doubt comes to you, remember th you have a fast friend in the distinguished chairman of this Commission. He nev failed to bring comfort to you, and while he lives he will never turn his face aw from you as long as you do right. Do not take any important step without aski him if it is wise. And now, as I leave you, I shake hands with your chief an shake hands with you all.

FIRST COUNCIL WITH GRAND PORTAGE INDIANS.

GRAND MARIAS, MINN., *October 20, 1889.*

At both the morning and afternoon councils the act of Congress governing the Co mission was explained, and as there were but a few Indians present and they p ferred to proceed to the reservation at Grand Portage and act with the Indians the no further action was taken.

SECOND COUNCIL WITH GRAND PORTAGE INDIANS.

GRAND PORTAGE, MINN., *October 23, 1889.*

All the councils at Grand Portage were held in the Government school-house.

The council was called to order by Commissioner Whiting, followed by prayer Bishop Marty.

An extended explanation of the act of Congress was made by Commissioner Wh ing.

COFFEE-MOCK-O-ZO. We were not informed of the intention of the Commission visit us at this time of the year. We are unprepared to ask any questions. We m discuss this matter with as much intelligence as possible. Had we been inform that you intended to visit us, we might have got together, but as it is, we must c sult together. We will send a person over to the boat when we get ready.

Whereupon the council adjourned until 2 p. m.

The council convened in the afternoon, and the Indians were invited to make inquiries they desired.

COFFEE-MOCK-O-ZO. There are a great many here who did not fully understand remarks of the Commissioner who spoke this morning. We wish the same repeat

Bishop Marty then restated the main points in the act of Congress.

COFFEE-MOCK-O-ZO. To be certain whether this Commission comes direct from Great Father, we wish to know this.

Bishop MARTY. We have been appointed by the Great Father himself. Most p ple know this, and we suppose the reason you have not is that you live up in corner of the country and do not read the papers.

The act of Congress was read and interpreted by Mr. Beaulieu.

COFFEE-MOCK-O-ZO. We should have got through to-day, but we can not until balance of our people are here. We want them to know about it.

Bishop MARTY. So do we.

Bishop Marty continued his explanation of the act of Congress, and at its con sion asked if it was understood.

COFFEE-MOCK-O-ZO. Yes, sir; I understand it thoroughly. A great many un stood the purport of the whole when the Commissioner spoke this morning.

Bishop MARTY. Have you any pine lands on your reservation?

COFFEE-MOCK-O-ZO. We have a few on that [indicating the south] side of the reservation. In case mineral is discovered on any selections made for allotments on the reservation, can such allotments be held?

Bishop MARTY. Certainly.

Commissioner WHITING. I want to know how much and what quantity of pine there is on the reservation.

MOSES MAY-DWAY-AUSH. There is hardly any—not enough to take any account of.

Bishop Marty continued his explanation of the act, by stating the terms of section 7 thereof, regarding the creation and disposition of the fund arising from the sale of lands, and the provisions regarding the census and method of taking it.

COFFEE-MOCK-O-ZO. It is very hard to take the census now, on a weak stomach.

The Indians were promised rations by Commissioner Whiting.

Council adjourned.

THIRD COUNCIL WITH GRAND PORTAGE INDIANS.

GRAND PORTAGE, *October 24, 1889.*

The council was called to order by Commissioner Whiting, after which prayer was offered by Bishop Marty.

COFFEE-MOCK-O-ZO. We have selected a person to speak in our behalf. It is not that we fear to speak, but we thought it best. It is generally our custom to make a selection whenever any person of any importance visits us, but not through any fear of expressing our own thoughts. In reference to the act you have submitted, we have thought proper to ask a few questions before proceeding to other business, if the Commission may be pleased to listen.

MAY-DWAY-AUSH. I have been selected to speak for this band of Indians, to ask a few questions. We wish to know, in relation to the allotments of land, what security the Indians will have after the land has been allotted, in regard to any improvements made upon the land hereafter, and the power of the Indian to retain the land and the improvements. The Indian who works on his land, will he have the same right to retain it as he who does not work?

The next question is, How are we going to progress in agriculture without any means; are any means to be furnished those who wish to work their farms and make progress? We wish to know exactly the position in which he will stand—whether he will have to work on his and to guaranty it. If a person works, how shall the means be furnished?

Bishop Marty then explained again the provisions of section 7 of the act.

Coffee-mock-o-zo told the Indians present who were in favor of the propositions of the Government to rise, which they did, showing a large majority of the number present.

MAY-DWAY-AUSH. Honorable Commissioners, I shall make known to you the thoughts of the people residing here on the shores of Lake Superior. We have met in council, and we have matured our judgment upon the subject-matter you have laid before us, and considered it from all points; we think we understand every point very thoroughly. After hearing what the honorable Commissioners have said and explained to us—the different sections of the bill they bring—we are pleased to say that we have very carefully lodged it in our minds.

We feel very thankful for this great kindness on the part of the people of the United States towards us. We feel thankful also to Almighty God, whose name has been mentioned in connection with this. We are very thankful to the President of the United States for selecting and appointing these honorable Commissioners, and that he should have thought of one whom we so much respect—that is, the venerable bishop. That is what the Government has promised us. When the whites first visited our land they promised that we should have the succor of those who were the apostles of Almighty God. In times past the word was spoken by the great Government you represent, "You shall not always stand as you stand now, as a pagan, knowing nothing about the words of the Gospel, but in time you shall be in a position to understand what civilization is and all its comforts." That is what was told us. The time has come when the words are being fulfilled. Can anything in the world afford more pleasure to a people who are formed like the whites than to have the same education and to be in the same position, to make their own laws? I have been a child heretofore, and the thing would have seemed preposterous, but I am happy to say that we have arrived at manhood.

We wish you to represent to the President of the United States and the American Congress that it is a great boon that has been extended to us this day. We stand here before you on the eve of being placed on an equality with the whites, and it is a thing we have much coveted. You may represent to the President and Congress

that the hatchet is buried forever, and that the civilization you extend to us w
accept with open arms. Many a day and many a year have I waited for this day
appear. I have waited and waited for the day when I could stand on an equali
with the white man.

The words I have spoken express the feelings of the people of Grand Portage, a
we accept fully the propositions you have made to us. We accept them with su
feelings that it is difficult for me to make myself clear, but nevertheless we wish t
fact made manifest to your Government. [The speaker then shook hands with t
Commissioners.]

There are a few words more we wish to say to the Commissioners. We wish
ask that you may be pleased to insert in the records that the Indians of Grand Po
age desire to reserve a place here to be taken as allotments by no one, but to
devoted to the establishment of schools, churches, and whatever such improvemen
may be made here. We wish the Commission to ask for 400 acres; and the pi
there is here is hardly sufficient for the use of the people on the reservation, a
that we may be allowed to utilize the same for our use.

Our fathers, who negotiated with the Government the treaty made when our res
vation was laid out, must have misunderstood it, because they understood that t
Grand Portage Reservation should reach to the mouth of Pigeon River, and we wi
that the Government of the United States would protect us from encroachment
our shores. The fishermen are ruining all our fisheries here with pound nets,
along the shore, so that we can not get fish enough to live upon.

We wish that you would submit to the Government our claim to Isle Royale.
have never received a cent for it. And there is another thing we wish to know, a
that is about the claims made by Nah-gah-nup, chief of the Fond du Lacs, in encroa
ing upon our lands, before we became parties to the treaty with the Chippewa
Lake Superior.

Bishop MARTY. Regarding the 400 acres, we do not know whether there are
acres in all along the shore here on the reservation which could be retained for all
common. That can only be ascertained when the land is surveyed. But as it
you wish that all this land along the bay be reserved, and we will recommend to
Secretary of the Interior that it be done.

The Catholic Church can take 160 acres, according to the general law among
Indians, and I suppose that when the bishop of Duluth comes he will take that amo
of land for a Catholic church and school.

Then it is said also in our instructions that none shall take his allotment on p
lands, but that the latter shall be reserved for the use of all. So we shall also
ommend to the Secretary of the Interior that these pine lands shall be reserved
the common use of the Indians of Grand Portage.

You can wait until the land is surveyed, or one can select now the land he wish
Afterwards, when the surveyor comes and runs the lines, perhaps a corner may
cut off, but the main body of land which each selects will remain fixed; but if
corner cut off should seem to him of more value than all the rest, he can stick to t
corner and take it; that is, he can take the 40, or 80, or 160 acres in which that
ner is.

In case you should all remain here, and there should not be enough land to m
each a full allotment of the number of acres we have named, you will each get a
acres less, so as to make for all an equal division.

As to the mouth of Pigeon River, I thought that belonged to you. Has any
else made a claim upon any of the land this side of it?

MAY-DWAY-AUSH. Only in the treaty; but I think it was extended by Execu
order to Pigeon River.

Bishop MARTY. I think there will be no difficulty about that. You need no
uneasy about that matter. If you agree among yourselves it will be all right.

As to the Isle Royale matter, we will of course bring it up. Your request wil
printed and it will become known to the members of Congress. And so as to
matter of the Fond du Lac chief—we do not but our interpreter does know abou
and he will explain it to us so we can endeavor to comply with your wishes. I
say that we shall look into these matters with the same care and earnestness
they were our own.

As to the fishing along the shore, that will be regulated by the laws of the St
There are certain rules about fishing, and those who do not comply with them
be punished. From the time you take lands you will be citizens of the United St
and citizens of the State of Minnesota, so the laws will protect you.

MAY-DWAY-AUSH. We wish to submit to the honorable Commission that these
ple of Grand Portage are very anxious to always get a livelihood by work, and
wish to be employed in the surveys about to be made as far as we can be. And

also important that you recommend that the surveys be made immediately, and the allotments made, so we can stand on an equality with our neighbors. While I was an Indian I had not got prepared and did not know how to go to work to become a white man. We wish to make a request of our Great Father. The time is approaching when tempests will arise. We wish to ask our Great Father to furnish us subsistence to aid us during the coming winter. This is the request of the people of the Grand Portage Reservation.

Bishop MARTY. We do not make the survey, but the General Land Office, under the Secretary of the Interior. I suppose it will not pay the surveyor to bring other men here if he can get those here to do the work, and he will prefer for his own sake to employ the Indian. And it would take him much longer if he had men unacquainted with the country. But we will recommend that the survey be made as soon as possible. We will see what we can do for you.

When the survey is made we will ask that there be pine enough reserved for your use. If there should be more it will be sold like the pine of the other Indians, for your benefit, and we are the ones to see to this matter of the allotment of land. I think we will understand each other well enough when the time comes. If you wish, I will read to you the paper which you are going to sign.

Bishop Marty then read, through the interpreter, to the Indians the agreement with those belonging to the Grand Portage Reservation.

Commissioner WHITING. I want to know how many of these young men have ever accompanied surveyors in any capacity.

Seventeen of the Indians present stood up to be counted.

JOHN MORRISON. I have been on a great many surveys, and these men are used either as chainmen or as axmen.

Bishop MARTY. Those who can write should sign their names; the chiefs first.

COFFEE-MOCK-O-ZO. We wish to say to the honorable Commissioners that in the past the reason we are always ignorant of whatever we sign is that no copies have ever been given us. If you may be pleased to give it to us, we wish a copy of what has been read to us left here, with a copy of the census rolls.

Bishop MARTY. The secretary will make a copy of the agreement for you. But you must understand that you cede this to the United States for the purpose of getting a patent for the land in severalty; otherwise he could not give you the patents.

The Indians proceeded to sign the agreement, in order of rank, after which the council adjourned.

At the afternoon session the signing was continued.

Commissioner Whiting called up Louis May-maush-kow-aush, and handing him a copy of the census roll of the Grand Portage Indians, and a copy of the agreement of the Government with them, said:

This is the paper you have all signed. You can take it and whenever you care to examine it you can do so, and it is all before you.

And now, my friends, a few words before we leave you. I am sure the Great Father will have much pleasure in what we can tell him about you. As I take the map and run my finger along the north shore of this great lake, away up here in this region, where we knew rocks were thrown up around you, I expected to meet a band of ragged, half-frozen people. But when I come here I find you men; men like men everywhere; resembling the laboring men whom I meet in my own city. I say to you, as I have said to other bands, that I regard this as the most important act of your lives for many years. By this act you say you are determined to go up higher in civilization. Your Great Father hopes you will take your allotments early, and that you will make the land yield you support. It is clear to you that in a few years all means of subsistence except in the lake will be driven from you. The game in the woods will grow less, and the furs will grow less also. I doubt not that you have discovered that, that the furs and the game have been growing less and less the last ten years. Ten years hence there will be very much less than now. Your Great Father, knowing this fact, has adopted this means to try to furnish you with other means of livelihood.

After taking your allotments, as the bishop has told you, you will become citizens like all other citizens, with all the rights and privileges that any citizen has. As I look into your faces I have no doubt you will succeed, and whatever shall come to you you may be sure this Commission, which has had so pleasant a negotiation with you, will always remember you. Feeling as I do toward you, and towards the work you have done, and so full of hope as I am regarding your future, I should, myself, implore the blessing of the Master of Life upon you, except that your bishop is here, whose special business it is to do that. If you follow the banner of the cross you carry now, you will be protected and preserved; and with these words I shall bid you a kindly good night.

FOURTH COUNCIL WITH GRAND PORTAGE INDIANS.

GRAND MARAIS, MINN., *October 25, 1889.*

Joseph Caribou, head chief of the Grand Portage Indians, was present at this council.

Bishop Marty made an extended explanation of the act of Congress, and the chief mentioned afterwards signed.

The Commissioners promised to endeavor to obtain money to enable a number of the Grand Portage Indians to visit the White Earth Reservation, so they might determine whether they would take their allotments there.

JOSEPH CARIBOU. Why is it that I have to wait twenty-five years before I can sell my land?

The Commissioners explained that this provision of the act of Congress was for the Indian's protection and benefit.

Council then adjourned.

FIRST COUNCIL WITH BOIS FORTS INDIANS.

VERMILLION RESERVATION, *November 9, 1889.*

Present, Bishop Marty and Commissioner Whiting.

All the councils here were held on the second floor of the Government warehouse.

The council was called to order by Commissioner Whiting, followed by an invocation of the divine blessing by Bishop Marty.

Commissioner Whiting read and made an elaborate explanation of the act of Congress under which the Commission proceeded, and after a few remarks by Bishop Marty the council was adjourned until afternoon.

AFTERNOON SESSION.

Commissioner WHITING. The Commission will be glad to listen to any questions you may wish to ask, and will answer them.

AY-DAH-WAH-NE-KWAY-BE-NAIS. I wish to know if you have a copy of the treaty made in Washington. I was in Washington at the time.

Commissioner WHITING. What year?

AY-DAH-WAH-NE-KWAY-BE-NAIS. Eighteen hundred and sixty-five. I wish to know how much was given us as a reservation.

Bishop Marty read the section of the treaty which states the amount of land to be reserved for the Bois Forts Indians to be 100,000 acres.

AY-DAH-NE-KWAY-BE-NAIS. I can not understand "100,000 acres," but could understand it if given at length.

He was informed it was 12 miles square.

AY-DAH-NE-KWAY-BE-NAIS. The reason I speak in this way is because of what was told us by the Commission this morning. We do not believe it for this reason: The Government at Washington promised us a tract of land 20 miles square. We were told that the lawmakers had fixed it in that way. We were disappointed; and that is the way the white man generally does—lies to us. I just state the facts as they are. I have not forgotten what was said to us. There were a great many promises made to us at that time. I was near the Commissioner when he spoke to us, and there are a great many things that have not been fulfilled.

Bishop MARTY. That is exactly why the Commission is here. I speak not only to the chiefs, but to all of you.

AY-DAH-NE-KWAY-BE-NAIS. We were told in Washington, "You are never to talk about this reservation or your lands again, because this is put in the treaty as a perpetual thing for you. If we are going to talk about anything in the future, we will sit as we are sitting now—together. There are a great many of my white children about in the country."

Bishop MARTY. This land does belong to you. We did not come to take it away, but to make it secure for you. Each man is to get a patent for his own land. That is precisely the difference between the white man's title and the Indian's title. That is why I am so glad to be here to-day, to make sure that no one can ever come and take your land from you. Every man will have his home, and his children will have their homes, and you can all then hunt as well as before. Besides, you can take land at White Earth.

AY-DAH-NE-KWAY-BE-NAIS. I have some things to say. These persons who ceded before us ceded lands that did not belong to them. There was a portion of the land on Lake Superior that belonged to us and a portion of the land on the west, mentenioned in the Pillagers' treaty of 1855. There is still a piece of land along Rainy

Lake and another lake there which was not ceded. They told us it was not ceded and that we might consider that as our own. That is what we were told in Washington.

Bishop MARTY. It was probably said that you could consider it your own for hunting.

AY-DAH-NE-KWAY-BE-NAIS. The map was spread before us and we noticed very particularly all the lines. We were told we were to sit face to face with the Commissioner of Indian Affairs whenever we had anything to do with the Government. That is what I now fail to see. We were told there were a good many of his white children going about and not to listen to them.

Commissioner WHITING. The Great Father told us to have written down all that was said, so he might see and know whether we stated things truly to you. It was because in times past he found that when your chiefs went to Washington and made a treaty you did not understand it and so became dissatisfied, and you had a right to be dissatisfied. And so he would make no more agreements with your chiefs alone or until you could all be seen together and have an opportunity to ask questions and understand it.

The Great Father has not sent us here to deprive you of one dollar's worth of land. Whatever land was given you by that treaty in Washington you now have, and we will not disturb you in it. He only offers you the opportunity to take land each for yourselves, so each can build his own house and raise his own crops as white men do.

You must bear in mind that you are not asked to leave your homes. All the Great Father does is to give you a chance to join with the Mississippi Chippewas in this great benefit. So I ask you to look well to this matter and see that you make no mistakes, which are sometimes hard to correct.

Bishop MARTY. Congress has made a law that commissioners must go to the Indians on the reservations.

AY-DAH-NE-KWAY-BE-NAIS. That is a very good plan, to have everybody listen. I do not feel sure of this arrangement at all, on account of the words that were spoken by the Commission. We were promised farmers, blacksmiths, etc., and we have had them; we were promised cattle, and have had them. I have had ten cattle, but they have died. Everything has been fulfilled in one respect.

Bishop MARTY. When I talked to the Indians at Red Lake, who have millions of acres of pine, and told them they should give a share to you, they said, "No; the Lake Superior Indians have sold everything they had, and have no more to give; and now we will not share with them." I told them the Great Spirit had made all the Chippewas, and that they were brothers, so those who were poor should be helped by the others; that it was their duty. And they slept over it, and the next morning they said "Yes." So I came with a glad heart to bring this good news.

AY-DAH-NE-KWAY-BE-NAIS. About the children who are now small, but will grow to be men and women; they get less.

Bishop MARTY. They will inherit the lands of their fathers.

AY-DAH-NE-KWAY-BE-NAIS. A call was made for every man to come. No inquiry was made as to whether he was a chief. It used to be only a call for the chiefs.

Bishop MARTY. Now every man is to take land and get money in his own hand.

AY-DAH-NE-KWAY-BE-NAIS. Under the circumstances we have not got together and discussed this matter yet. We wish time to do so, and if you will name the hour we will meet you again.

Bishop MARTY. To-morrow is Sunday, the Lord's day. When the Great Spirit created the world in six days, on the seventh he rested. And so now all men do the same, work six days and rest the seventh day, and should spend that day in hearing His word and singing His praises and in praying to Him. And so to-morrow morning at 10 o'clock I will have divine service, and those who wish can be present. And then you can have a meeting afterwards by yourselves. And when you are through you may call us in.

Council then adjourned.

SECOND COUNCIL WITH BOIS FORTS INDIANS.

VERMILLION RESERVATION, *November 10, 1889.*

Commissioner WHITING. The council is now open for business, and we are ready to hear anything you may have to say.

QUAY-CUH-CUM-IG. We wish to know what these goods, which we see in this loft here, were sent for, in the first place. We were told that we would be collected together and something else would be done for us after our annuities had expired.

Bishop MARTY. The Great Father thinks you are in need of the goods.

QUAY-CUH-CUM-IG. We were told that at the end of twenty years the Great Father would still take care of us if we behaved well, and we are at a loss to know why these goods were sent.

Bishop MARTY. You have behaved well, and therefore the Great Father sent the goods. You have four years in which to take your lands in severalty, and then, if you do not, some one is sent to allot them to you. The only difference will be that you will not get the money then if these propositions are not accepted by you. The Government wants the Indians all over the country settled.

QUAY-CUH-CUM-IG (addressing the Indians). I do not wish to throw obstacles in any one's way, but I wish to have this understood. For my part, I understand it pretty thoroughly. We have been trying to come to one opinion, but have not yet. Shall we listen to the commissioners? I think we should, because we are ignorant, and should not do anything against the interest of the Indians who are not here. We must look out for the interest of our bands. We must not listen to foolishness, but we ought to have our old men here, especially the Mountain Traveler. He is the one by whom I have been guided. He has made up his mind long ago. Now I am going to speak to the Commission.

I also implore the Master of Life to have pity on my words, as I am about to utter a few of my thoughts. When He put us on this world He did not put on us any curse of poverty. Nor did the Master of Life draw a distinction as to whether a man was white or black, or intend that one man should inflict cruelty on another. This is just what I have been looking for—an expression of my thoughts. The persons who are standing up here with me have the same thoughts that I have. The reason I have not accepted any gratuity—it was a foolish idea—I thought there was not enough to go around, and I thought there was not enough of what was sent here to support me. There is one thought uppermost in my mind, and I think it is a thought well considered: Is it possible that men of your standing should come here and lay before us what you have; you [addressing Bishop Marty], as a great man and a bishop, that you should come here, in the fear of God, whom I fear myself, and tell us these things if they were not true? Here you can see my relatives; the amount of stories that has been told them, the amount of promises broken—certainly I should be one of those victims to any lies, but this is not so, but it is for our benefit.

The words you have spoken as a Commission please me. I accept those words for the reason that my children, the last of my people, shall make it their home where they now reside. The reason that I accept no gratuity, the reason that I meddle not with any person's business outside of my reservation, is to guaranty to my children a home where I live. I do not wish to go to White Earth.

Bishop MARTY. The first thing necessary is that you and your children should have a home and money to buy what you need.

The next thing is to take the names of all the Chippewas of this band—men, women, and children. From this time you ought not to change your names any more, because the land will be allotted according to the names you now hand in. And so, when the money comes, it will be sent in according to these names, and if a certain man can not be found no one will get that money.

The chiefs must see that all those who belong here give in their names and ages for this roll; not only those now here, but also those absent. The children should retain their father's name and another name. In this way the child will inherit the property of the father. In this way also the name of the father will never die, but will go down to posterity for hundreds of years. If there is anything that troubles you do not hesitate to tell us, because we are your friends.

CAH-WAH-DISH-KE-WAY. I do not wish to say anything for or against what my nephew has said to you, but I wish to talk on another matter. I want to speak about these men who went to Washington; and I want to find out somethtng. There is only that man who is lying down there (indicating Ay-dah-ne-kway-be-nais) who was in Washington. I was told when those men came back that there was a reservation made also at a place where I live now. The man who surveyed there told us there was a large tract of land there, but he has never purchased any land there yet. There is quite a tract of land there that nobody meddles with, and I think that it has never been ceded.

Bishop Marty read from the treaty of 1866 with the Bois Forts Indians the section reserving for them one township at the mouth of Dear Creek, besides the larger reservation of 100,000 acres, and said:

It was found in Washington that the treaty had not been quite complied with, and that is precisely the reason that it is now desired to give you a share with the other Chippewas in Minnesota. These lands you speak of are agricultural lands. You can take land there, but you can not get as much as you can inside the reservation. You can get on the outside only 160 acres to the family.

CHARLES SUCKER. We are a goodly number at this place. There are several chiefs residing here. I say this in explanation of this fact, that those residing here love this place with all their hearts. They can not part with this section of the country. I wish to state on behalf of those residing here that we do not wish to go to White

Earth. We wish our allotments to be made in this country. I have asked the young men—those who are married lately, those who are young—if they did not wish to go to White Earth, and they say they do not.

Bishop MARTY. When we know the number who wish to remain here, they will all receive equal shares of the land here, according to their status, and whatever other land they receive they will have to take on the Net Lake Reservation if they prefer not to go to White Earth. Our duty is to give each what he is entitled to, and we are trying to fulfill your wishes as much as possible.

The Indian preemption law was then explained.

AY-DAH-WAH-NE-KWAY-BE-NAIS. We can not say that we are of one mind yet. These people who have just talked rather frightened us. I also am on no reservation where I live. I was not there at the time the reservation was surveyed. Before the reservation was surveyed, the place where I am living is the place where the house that it was stipulated should be built by the Government—one of them—was erected right where I live.

Bishop MARTY. What corner on this map is this?

INTERPRETER. It is not at Long Lake, but at Pelican Lake. It is 3 miles from the reservation line where his house is built.

Commissioner WHITING. It must have been some mistake of the surveyor. I do not know how it happened. We can only say that if you have made a home there you will not lose it.

AY-DAH-WAH-NE-KWAY-BE-NAIS. The treaty stipulations were strictly complied with in some respects. The cattle and the houses were delivered there at that point.

Bishop MARTY. All these things will be settled when we come back.

Council then adjourned.

THIRD COUNCIL WITH BOIS FORTS INDIANS.

VERMILLION RESERVATION, *November 11, 1889.*

Census-taker Dufauld stated that the messenger sent after "Mountain Traveler" had returned, and brought word that on account of the ice in the rivers it had been impossible to reach the chief, but that his son was here, and would speak for his father.

GAH-WAH-BISH-KE-WAY. I implore the Master of Life, and that he may be pleased to listen to the words I have to say.

I do not wish to travel a great distance after this that is now promised to me and my children—my annuities—nor do our women and children. No white man would condescend to allow his wife or children to go so far for what would be due them.

We do not wish to have such a school as there is here for our children, for those whose minds you wish improved with knowledge. We wish to have a school where the English language shall be taught, so they can improve. And we wish to have a blacksmith at Net Lake. We have now 50 miles to travel to have anything done.

Bishop MARTY. It is not the will of the Government that the Indians should travel so much. They ought to spend their time at home improving their farms. If you have any wagons or implements to repair, of course there should be a man right there to do it. So a part of that money can be spent for a blacksmith near you. The rule of the Government is that the English language shall be taught in all the schools.

Commissioner WHITING. I want to tell you how we do about blacksmiths and carpenters and all the men that do the work. We send one of our bright boys to the blacksmith and let him help the blacksmith and learn the work, and then he can do it for us. This is what the Great Father hopes you will do, and then you will, after a few years, not have to ask the white man for anything. It is a reasonable request on your part, and we certainly shall make it to the Great Father.

P'E-TAH-WAH-CUM-E-GWABE. What you come here after we look at with favor, but we are afraid of forgetting something, so we are going at it by degrees. This is no small thing, but a business of magnitude. We are progressing slowly but surely.

TAY-BWAY-WAIN-DUNG. About Net Lake, where I come from—there is where I was born—there is any amount of rice there which never fails me. We wish the commissioners to use their influence so that no dam shall ever be built below that will overflow what we depend upon for a subsistence. There is a place where we can take all the timber to—the Little Forks of the Rainy Lake River. I wish to state that the whites have no respect for the reservation whatever. When the Indians were here three years ago, the last time we received anything from the Government, we told them there was a road going through the reservation, where the timber is piled up and going to waste, and, although we made a complaint to the agent, nothing has ever been done about it.

Commissioner WHITING. Was the agent ever up there himself?

TAY-BWAY-WAIN-DUNG. Never. There is another creek inside the reservation; that is where the lumbermen come without permission and help themselves to all the hay there.

Bishop MARTY. It is to stop precisely such work that we are here.

Commissioner WHITING. If any such dams are built, it will be the duty of the Government to remove them.

TAY-BWAY-WAIN-DUNG. You can not imagine how the white men help themselves to anything on the reservation. Even our canoes they take from us without asking.

Commissioner WHITING. After you become citizens all that will be stopped.

TAY-BWAY-WAIN-DUNG. The agent just hurries here and hurries right back, without giving us any attention. It would take me all day to put in complaints that can be substantiated.

The chiefs who went to Washington and concluded a treaty with the Government saw that arrangement fulfilled only once, when they went to Fond du Lac for a payment. After that it looked as if something was being stretched out, and the end failed to reach us. They told us in Washington that they would clothe these men here so they would be proud of their clothes.

GAH-WAH-BISH-KE-WAY. We have come to an understanding, and you can not imagine how proud I will feel when we see these things fulfilled. And you, as our bishop, we know that you will not disappoint us.

Council then adjourned until November 12, 1889.

FOURTH COUNCIL WITH BOIS FORTS INDIANS.

VERMILLION RESERVATION, *November 12, 1889.*

TAY-BWAY-WAIN-DUNG. We wish to know about the children who are on the eve of being born; what is to become of them, and what interest or benefit shall they receive, if they are not enrolled? I wish an answer.

Bishop MARTY. The act of Congress says the present enrollment shall be final.

GAH-WAH-BISH-KE-WAY. I have come with a few of the young men who belong to where I do, and they are fair representatives of the chiefs. There is not an Indian but what knows me. My name is "The one with the white flesh or skin." You say you are the representatives of the Great Father; now I have a word I want to say to the Great Father through you, and I hope you will deliver that word. I wish to affirm that my section of country, where I live, was not represented during this session of 1866, and I wish my Great Father to understand that. I will comply with the arrangement personally, and let the others give an expression of their own feeling when they come.

PE-TAH-WAH-CUM-E-GWABE. I wish to state to you about Pelican Lake, and to request that when the allotments are made no fire-water be allowed to go there.

CHARLES SUCKER. It pleases us of the Vermillion Reservation to hear what has been said by the commissioners. We wish this request never to be lost sight of; we wish the school and the blacksmith shop established here to be permanent.

We request that the oxen and horses that are doing the work here, which are required for the support of our children, be kept here permanently. We have now only one pair of horses. In case there is anything destroyed or in case of the death of one of the employés, we wish the Great Father to substitute another in place of that which is lost.

O-GE-MAH-WUB handed to Commissioner Whiting a printed certificate, signed by W. R. Durfee, United States Indian agent, and said:

I am living at a certain place where I was born. I was raised there, and I wish to retain that place. I do not say that of my own volition, because the whites who gave me that paper told me to defend my rights, and if there is anything wrong the man who gave me that command is wrong, not I.

Bishop Marty directed the interpreter to tell the last speaker that his selection of land came under the Indian preemption law, and that his holding of that land will not interfere with his rights to annuities; which the interpreter did.

O-GE-MAH-WUB. I know about this Indian preemption.

Bishop MARTY. When we come back to make the allotments all these cases will be regulated according to law, after which we will make report to the President, and he will issue the patents which will give you the same right that the white man has, and make you a citizen of the State and the United States.

O-GE-MAH-WUB. We thank you.

Interpreter Beaulieu then addressed the Indians in Chippewa, after which council adjourned until afternoon.

Council convened in the afternoon and was declared again open for business.

TAY-BWAY-WAIN-DUNG. At what time do you suppose the survey will be made?

Commissioner WHITING. Next spring, we suppose, although it is under the direction of the Land Department.

TAY-BWAY-WAIN-DUNG. We do not understand the English language, and would like to have a man connected with the survey who can speak our tongue.

Commissioner WHITING. We will recommend it. These surveyors will be obliged to employ some help here, and those they employ will, of course, speak your language.

TAY-BWAY-WAIN-DUNG. We are ready to proceed to business.

He then touched the pen handed him by the commissioners, and was followed by the other chiefs and the members of their respective bands.

FIRST COUNCIL WITH FOND DU LAC INDIANS.

FOND DU LAC RESERVATION, *November 18, 1889.*

Capt. M. A. LEARY, Indian agent. The council will please come to order.

Last winter an act of Congress authorized the President to appoint a commission to treat with the Chippewa Indians of the State of Minnesota in regard to certain matters in which they are interested. The members of the commission appointed by the President of the United States are now here to present these matters to you. I have the pleasure of introducing to you these distinguished gentlemen, Hon. Henry M. Rice, of the State of Minnesota; Rt. Rev. Martin Marty, Catholic Bishop of Dakota; and Hon. J. B. Whiting, of the State of Wisconsin.

Mr. RICE. Friends, as your agent has just told you, we were sent here by the President of the United States to lay before you certain proposals for your consideration. We were directed by the President to have them read and fully explained.

We were also directed to listen to whatever you might have to say, to any requests you might have to make, or to any complaints. It is the wish of the Government that you shall take time to fully consider all the propositions, and if they are not for your benefit, if you do not think so, not to accept them. It is a matter for you to consider, as you are more interested than any one else.

Commissioner Whiting then commenced to read the act of Congress referred to, it being carefully interpreted sentence by sentence.

Mr. RICE. My friends, you have heard read the propositions. They are long, and it will not be surprising if you do not fully comprehend them at first. They are of interest to each one of you, not only those now living, but to those who may come after you; and they are of so much importance that it is necessary that each one shall give thoughtful consideration to them.

At our next meeting it will be our duty to explain to you the act of Congress in detail.

As all of the Indians had not arrived, an adjournment was taken.

SECOND COUNCIL WITH FOND DU LAC INDIANS.

NOVEMBER 19, 1889.

Mr. RICE. Our visit to you is one of business purely, and concerns you more than all others. We will endeavor to put before you what has been done, and the true condition of your affairs.

In 1854, in a treaty at La Pointe, you relinquished your right to the lands west of this to the Chippewas of the Mississippi. Consequently you have no rights in that entire region. Prior to that time all the lands west and all upon Lake Superior were owned by you in common, but you then gave up your rights to the Indians of the West, and the Chippewas of the Mississippi relinquished their right to the land here, and also to all lands upon streams emptying into Lake Superior.

At that time the Mississippi Indians relinquished to you all the benefits arising from annuities to be received under that treaty. They received nothing, and at that time it was supposed that you had the best of the bargain; but you see now how little man knows of the future. The lands you gave to them, which you ceded, contained mostly pine, which at that time was worthless. There was no demand for pine, and it was not considered of any value, so it was supposed you had the advantage. The great emigration of the whites into the country changed the face of things. The pine lands, once so valueless, have become of great importance. The Chippewas of the Mississippi are now rich in pine lands and you are poor. The Red Lake Reservation is more than thirty times as large as this one, and in that reservation you have never claimed an interest.

That you might all be provided for hereafter, as you are all of the great family of Chippewas, the Government requested these Indians to put in all they had, and to share it with you. That was our reason for first going to Red Lake, knowing that if they refused, our work was ended, as we would not then have paid a visit to you or any other bands. But they very generously consented to divide what they had. We were there some time, and it took a great deal of consultation, but in the end they generously consented to share the proceeds of their lands with you, so that you would hereafter be placed on the same footing with them.

We then visited the White Earth Indians. They own a very large reservation north of Leech Lake, of immensely fine and valuable pine, of which none has been cut and upon which no one lives. They not only put that in, but also four townships of pine which have never been disturbed. So they consented to be put back as they were thirty-five years ago, and to share alike hereafter with you.

Many of you know the situation of the lands belonging to the Pillagers, and the valuable pine they own. They also consented to share equally with you. Every band of Chippewas within the State of Minnesota has been visited, and all have acceded to the request made by the Government.

Many of you are doubtless familiar with the White Earth country. You know it is one of the best farming regions in the North, and the Indians there have consented that if any of you wish to go there you may do so, and share the land with them. But if you prefer to remain here you can.

It is pleasant to see so many intelligent men before us, and we know it is not necessary to use any argument with you to get you to accept these negotiations, but it is all left to your judgment. You must act for yourselves, without reference to anyone else.

AFTERNOON SESSION.

NAH-GAH-NUP. We wish to have an interpreter of our own so as to be sure that what is said is correct.

PAUL H. BEAULIEU (interpreter to the commission). I would respectfully suggest that they pick out their own interpreter and allow him to interpret.

Mr. RICE. Your request is granted and you are at liberty to select whichever interpreter you please. You may take one or more, so one may correct another, if necessary.

The Indians selected as interpreter Frank Blatchford, United States interpreter, La Pointe Agency.

Nah-gah-nup, head chief (said to be over ninety years of age), gave a very long and disconnected account of his understanding of former treaties, in relation to the boundary lines, the basis of it appearing to be the great injustice done in the setting aside by the Government of the Fond du Lac Reservation, by which the treaty lines were entirely disregarded, not embracing one-half the area they are actually entitled to.

PAUL H. BEAULIEU. The lines he tried to describe are so indefinite that I can not make anyone understand it intelligently.

FRANK BLATCHFORD (United States interpreter). No one can tell about those lines except the old man (Nah-gah-nup).

JAMES I. COFFEE (indicating on map). Here is an island at Knife Portage which is intended as a landmark; but they concluded afterwards that that island might possibly float away, so as a landmark they took a spring on the river shore and taking a line from that spring due south until it came to a point where it intersected Snake River.

JAMES I. COFFEE. Nah-gah-nup says there is a strip of country about one mile wide one corner of it starting from the old trading post there at Fond du Lac, going up the river due west one mile; and that strip of country runs due south one mile wide until it intersects the old treaty line, a line that had been established by some former treaty.

That parcel of land was borrowed, but never has been paid for, in 1837 or 1839. That was probably done to bring the State line within the town line.

NAH-GAH-NUP. Agent Hayes told me that I should never be defrauded of that land or lose the value of it, and I had a perfect understanding with Mr. Durfee about it when the question came up.

It was kind of settled in my mind that we still owned that, after the examination of the Indian agent, Durfee told me that the land was intact and remained unpaid for. That line was designated at the last sessions in 1854 as the Minnesota lines, and that was the line that was followed during those negotiations. By putting the line farther east, to define the Wisconsin line—that remains unpaid for, and was not included in the negotiation of 1853.

Mr. RICE. My friends, we do not wish you to misunderstand our mission here. We did not come to make a treaty. The Government did differently in this case than it had ever done before.

The Congress of the United States, with the approval of the President, sent you a proposition. We are not authorized to change one word in that paper.

Council adjourned.

THIRD COUNCIL WITH FOND DU LAC INDIANS.

NOVEMBER 20, 1889.

Mr. RICE. We are now ready to listen to anything you may have to say.

ANTOINE NAH-GAH-NUP (after addressing the Indians in Chippewa). At the time of the negotiations of 1854, you (Mr. Rice) sat facing the old man (Nah-gah-nup) as you are sitting now. At about the time the negotiations were a failure you expressed to him the wish that they should succeed, and that he ought to accept them. You said to the old gentleman then, "Let the negotiations transpire as they are; accept the whole proposal made to you; in time to come, if one of the promises made under these negotiations is not fulfilled, we will get together and see that the whole thing is righted according to this understanding."

Now the time has arrived; you have heard what the old gentleman has said. If there are any promises made not fulfilled by the Government, now is the time for you to come to an understanding. It is very hard for a person who has not the benefit of education, who can not write, to state on paper his own feelings. But after he understands the thing in his own mind, it is hard for him to alter his understanding of it.

Mr. RICE. My friends, if I should tell you all in connection with the events that have occurred to your people since my first knowledge of you it would take a long time.

I will tell your young men something that occurred long before you were born. In 1842, forty-seven years ago, Robert Stewart, on the part of the Government, made a treaty with your people at La Pointe. I want the old chief to understand this, so that if necessary he can correct me. I can not tell, of course, what was said at that time, as I was not present, but I remember very well what this old chief and the other men at that time told me, who were present when the treaty was made. Mr. Blatchford, who was present at the treaty of 1854, also told me what occurred. By that former treaty you ceded all the country you owned south of Lake Superior absolutely to the Government. You had not a place left you could call your own and upon which you could sleep at night.

Nah-gah-nup and the other old men who were then living were deceived. They were told that all the Government wanted was the mineral; that they would never be disturbed. But after the treaty was ratified, and as soon as the white man came in, he wanted not only the iron and the copper, but he wanted the land itself. They not only wanted it, but they took it, and there was not a place of all that vast territory which you had sold upon which there was or could be a school, a carpenter, or a blacksmith upon you own land.

Forty-two years ago I was requested by the President, whose medal Nah-gah-nup wears, to go over to see the Chippewas. I came up the St. Croix and the Brule, and there I met Nah-gah-nup and had an interview with him. He told me then how he had been deceived; how poor they were; that they had no land they could call their own upon which to live. He begged of me to help them. I made inquiries and concluded that all he said was true, and gave my promise of assistance, if it was in my power. For seven years I worked hard in trying to furnish a home for the Chippewas of Lake Superior. That brought about the treaty of 1854—thirty-five years ago. By that treaty the Government gave back to the Indians their various reservations; one at L'Anse and at Lac De Flambeau, Bad River, Red Cliff, Lac Court Orielles, and this reservation, and a small one at the head of Madeleine Island.

Two or three or four years before that treaty was made the Government had furnished an appropriation to remove you all beyond the Mississippi River. The agent had spent a great deal of money and got a few over a short distance towards Crow Wing, but they all came back. That was Agent Watrous. So in 1854 I came through here and also worked in Washington until I had a commission appointed; and I came to La Pointe to see your wishes gratified, so you might remain where you were, and then those reservations were set aside for you. We found there was a great deal of money due you under former treaties, for schools, blacksmiths, farmers, etc., because you had no homes where these improvements could be made.

We have been at work a long time, and a few years ago I got the Government to acknowledge the amount of money due you. It was $118,000; it is probably more

now. That money is due you, and we hope with the help of the friends we have that we will be able very soon to have it paid to you. This is only my opinion. All we say is that we will do all we can, but we do not wish to make a single promise that will not be fulfilled.

Our mission here now is to tender you proposals which will give you homes for yourselves and your children and your grandchildren; homes from which you can not be removed, and in which you can not be disturbed. Not only that, but to tender you money.

I find you without a blacksmith, or carpenter, or physician. Your young men are anxious and willing to work, but you have to go so far, and it is so uncertain that it looks discouraging. If you wish to buy a board you have to go to the white man for it, although you have plenty of pine. What you need is a mill. If you have horses and cattle, you must have hid them before we got here, as we did not see them.

Your great obstacle has been the want of permanencey, the Government not knowing whether it would permit you to remain here or not, owing to the desire of the white people to have you moved. The Government did not desire to have you make improvements. Your missionaries did not know whether to bring in teachers, and you were for that reason not aided in that way.

NAH-GAH-NUP. My friend, I feel very much easier since you have made that explanation, for the benefit of those living here with me, my children, my grandchildren, and those who do not know anything about this transaction.

ANTOINE NAH-GAH-NUP. It is something like a man being in the dark, and when he sees the morning light breaking. That is the way I view this thing.

NAH-GAH-NUP. I think I may never see you hereafter, and I wish to state what my Great Father, the one I paid a visit to, told me. I shook hands with him, and I made known the cause of my visit to Washington. "I have heard," the President told me "my child, how you have suffered by traveling a long distance to pay me this visit." He told me: "I wish you to take courage, and bear in mind that it is essential for you to be a good friend to the whites." The President told me: "If you listen to the advice I give you, I promise you I will support and take care of the Indians as long as I live." He was holding my hand when he told me that.

I wish you to ask the question of the friends who have camped near us whether I have been their friend. This is what I wish: If any time I should die that my child may be my successor. He will take my place, and stand before the representatives of the Government as I stand now.

And, my friend (Mr. Rice), that is the way I look upon this matter. You have a great name; you have a good name. I don't know whether my name amounts to anything or not; I can not tell. I have given you a history of what the Great Father told me. The President's hand and mine were locked together. Between the two hands there was a medal. He said that the pipes should be crossed, and that I and the white man should smoke the pipe in peace together. That is what transpired between me and the Great Father. He was a good man.

ANTOINE NAH-GAH-NUP. We wish the agent to listen to what is said.

Mr. RICE. That is the reason he is here.

NAH-GAH-NUP. This man [indicating James I. Coffee] will make known to you what we wish, and this interpreter is to stop short. This man will express it all in English for your satisfaction.

JAMES I. COFFEE. This young man, the last speaker, wished to express this matter in this way: That you (Mr. Rice) and the old chief, while here face to face, knowing all about the old treaties, should look over the matter and put it in such shape that it can be followed up and placed before the authorities in Washington so they can see it in the same light that the Indians understood it at the time of the treaty.

PAUL H. BEAULIEU. And cause an investigation to be made.

JAMES I. COFFEE. Yes, sir.

Mr. RICE. As soon as this record is printed we will have copies sent you. That carries out the President's instructions to us. We all, the agent, the commissioners and the interpreters, will witness it. I have at home a printed copy of the report of the Department in regard to the $118,000 arrearages, which I will send over to you.

Bishop MARTY. I think we have now come to understand sufficiently about the old matters which are pending between the United States and the Chippewa Indians. But I think you have a way in which you can succeed yourselves in having these matters settled. I tell the Chippewas now, as I have for fourteen years told the Sioux, that as long as you stand before Congress as Indians you will always be considered as asking for something which is to be taken from the white man. You must become citizens; you must become the equals of the white man, having the same rights that he has. The white man, when he has no ballot, has no way of defending himself. The legislatures of the States and the Congress of the United States are

made up of men elected in the different districts. When the men in a certain district want a certain thing, they elect to the legislature or to Congress one who will speak in their names, and ask for it and insist upon having it. He does not go there as a beggar, but as the equal of all other members of the body.

When you take lands in severalty in accordance with this act of Congress, when you touch the pen to this treaty, you become citizens. You will then have the right to vote. You can send men to the legislature of this State and to the Congress of the United States to speak in your name and vindicate your rights, not only before Congress, but in all the departments. So as soon as you have taken lands in severalty you can vote for a man in this district.

In the way I have indicated you can succeed, and in it there can be no failure, and especially as long as Mr. Rice lives, because your representative in Washington can always have him as a witness, a counselor, and an adviser.

ANTOINE-NAH-GAH-NUP. It is our wish that what we represented yesterday about the loss of the south shore of Lake Superior should be investigated thoroughly; that the lands which were ceded at that time should be made known to us; that the size of our reservation, according to our understanding, should be thoroughly investigated, because we think we have never ceded what is now marked out as ceded. And also about the north shore, and also the amount of land given to the mixed bloods at that time, that that should be investigated, and a statement made to us of the amount of our reservation which is not used up in allotments. And also on the Mesaba Range, as far as Pigeon River, containing all the waters that flow from this direction; that is ours. We think that has never been ceded by us. We should like a thorough investigation made regarding the pine that has been cut on this reservation which has not been accounted for. It did not belong to the men who are sawing that pine at all. We should like to see all the unsettled business in connection with that pine adjudicated. About the line of the railroads, the Northern Pacific running through our country, and the St. Paul and Duluth, and also the Duluth and Winnipeg. These have been the cause of great damage. It has set most of the reservation on fire and made a tremendous destruction of the timber on the reservation where they pass, and it is necessary that all these should be adjudicated for our benefit.

Another thing: The booms made in the river, which we used to have the benefit of; it is now all taken by the whites. They take the rock from the reservation also, to use in erecting their booms. They have their boom houses also, used for the benefit of those driving logs and attending the booms, which are situated on the reservation. We have not received a penny in consideration of all these things. They are utilizing a great deal of sand for leveling and ballasting the railroad, etc., and that is all taken beyond the right of way on the reservation. Then there is a creek which has been dammed, which is greatly to the detriment of the reservation, because the fish can not go up to the various lakes, which is a great loss to us. The building of the dam overflows a great section of country and destroys a great deal of hay which ought to be utilized by ourselves.

We wish to get the payment for all these things as soon as possible in the near future.

We do not wish to be waiting forever for the adjudication of these claims. You will please adjourn now, so as to enable you to go to dinner.

A recess was then taken to 2 p. m.

AFTERNOON SESSION.

ANTOINE-NAH-GAH-NUP. We were making some explanations before dinner. What we wish to impress upon the commission is this: Where these mills are situated, according to our understanding during past negotiations, is inside our reservation. Below here there is an island which the Indians claim should be the east line of the reservation, and in following that understanding, those mills are within our reservation; and about half the town is within the Indian reservation—nearly half the town.

There was an island right about Knife Portage which we agreed upon as the starting point.

Mr. RICE. Whereabouts on the island—at the end or in the middle of it?

JAMES I. COFFEE. There is a spring opposite this island at the head of Knife Portage; this spring was designated as the starting point of the boundaries in that treaty.

ANTOINE-NAH-GAH-NUP. I do not wish to say anything opposite to the chief who has given you his understanding of the lines of the cession under the treaty of 1854, but the lines of that cession extended to the State line of the State of Minnesota. In extending it there has been a strip of land not ceded between the designated points, and to make the line straight for the Wisconsin line, there was a tract of land in there which has never been ceded, in accordance with our understanding.

We wish that fully investigated, and if anything accrues for our benefit we wis to get it. If we had received any benefits under that cession we should never hav said a word about it.

NAH-GAH-NUP. From the starting point designated, south to the line of the ol cession; then in a direct line west to the forks of the Snake River; then in a direc line to the Savannah River. Those are the points designated in that treaty as th boundaries of this reservation. Hole-in-the-Day then took a pencil, and he made mark defining this line; and I spoke to Hole-in-the-Day, and said, "Look out ho you are making those lines, because you will be robbing your friends of the Lak Superior country." From the mouth of the Savannah River it went to Embarra River; then up said river to its head. Then following the divide to the west of th Mississippi and the St. Louis waters as far as they used to claim when we owned th land in common.

Now we are coming to an understanding about these lines. The Bois Forts unde stand all this perfectly. Then from there in a straight line, from where the Bo Forts Indians own, in a direct line to Pigeon River, the international boundary lin Then we made a dividing line between the Grand Portage Indians and ourselves, a a place where there are two islands near together on the shore. We used to follo those rivers at the time we used to hunt beavers. It was understood that the Gran Portage Indians should own east of there, and the Fond du Lac Indians west of whe those two islands come in.

From those two islands along the shore of Lake Superior on the north sho around the Fond du Lac Bay, down the south shore until you reach Iron Rive thence up Iron River to a certain point where there is a certain kind of evergree tree growing; and from there to towards the head of Iron River, in a direct line we up to the line of the old cession; and then to the place of beginning.

Those were the possessions of the Fond du Lac Indians and the Grand Porta Indians, those who used to be called the Lake Superior Indians; there is where th dividing line was, and each had his own possessions, east and west. And then a the waters running north, and waters that run into the St. Louis, all the waters ru ning towards the British lines—it was understood that we were to be supplied fro those waters and from the waters of Lake Superior also. And Mr. Gilbert asked m "What do you want to do with all the land here you are designating for your po sessions?" And my reply was, "My young men wish to hunt all over that sectio of country, because it is their hunting ground." The southern portion of our domi ions are for hunting big game, like deer; the northern portion was to hunt furs. M Gilbert told me, "That shall be granted to you; you shall have it."

And I asked one of the officials there in Washington if they had the treaty; if h knew where the line was. He took the map, and of course he understood where th lines were after looking at the map, although he had never been here before. Tur to a place where it is mentioned about Es-com-au-conig; that is a place also me tioned; it is called "Artichoke" in English.

ANTOINE-NAH-GAH-NUP (examining map). This large lake here, on the north si of the (St. Louis) River, from here—northeast—that is the point we claim was withi the reservation.

At that time there were no surveys here, and we did not know how the lines woul run. It was only a point designated that we wished to be inside of the reservatio But the person who surveyed this reservation fixed it according to his own desires.

From the Mesaba Range to the White Face River has never been designated negotiations with our chiefs here, and that we claim as never having been ceded.

I never meddle with any of the Indian possessions, but only speak of what think is our own reservation.

The man who wrote this in the treaty book was not the man who made th reservation.

ANTOINE-NAH-GAH-NUP. We thought this was the propitious time, while Mr. Ri was here; and also your interpreter, Paul Beaulieu, has never known how the reservations are set apart, and about the consideration for those cessions. We hav received nothing for all that has been taken, and now is the proper time to discu the matter, while we are all together. We sent for Paul Beaulieu a few years ag and he said, "How is it that your reservation is so small now? The understandi was that your reservation should be larger; it even gave you the privilege of goi clear to Lake Superior." Your interpreter, now here, promulgated that at th time.

PAUL H. BEAULIEU. They say that I told them, "You have lands enough reserv on your reservation to make another treaty hereafter."

NAH-GAH-NUP. We do not want to impose upon any one's possessions. We on

want to know what is ours, and how the whole matter stands, and while you [Mr. Rice] and I are here it is right to designate how we understand it.

There was a man who started from here; it was a close relative of mine. He and I went to Washington. George Morrison was there at the time also. At that time George Morrison was with the party. When they came back they had a map on cloth, and we found this reservation had been laid out on the poorest piece of land that we had at this place. I went there for no purpose myself. Those other Indians were the ones who entered into some arrangement of which I knew nothing. I protested against the doing of the Indians after they came back. I said: "My friends and relatives, you ought to have notified me before you entered into any such arrangement in Washington, but we trust to the generosity of our Great Father that in time if there has been any mistake made it shall be rectified in the future." I was then in the State of Wisconsin. I was collecting money from relatives who are there, to see if I could not better their condition by representing to the Government what had been done. What should I hear after that? I understood that all the land they had there had been ceded. There are some men here who know of that transaction. I told my son I understood that there was to be a removal of the Indians that year. There was no removal that we ever consented to, and I told my son, "Let us return and remain where we are permanently," and we returned. I said: "The time will come when I will meet men that I can talk to," and the time has arrived.

Now, my friends, we have lit the candle; it is still burning, and it sheds light. My heart will feel lighter hereafter. My old friend, the White Rice, is here. Another friend that I respect very much, and our other friend from Wisconsin. I think your investigation will throw light on the subject. That is all.

I let the Government have a piece of land to allot to persons, giving them 80 acres each.

I heard a report here that any person intermarried with any of the Indian or mixed-blood women on this reservation should not be entitled to any land; that whenever a woman married a white man she became a white woman, and had no business on the reservation; that is the way we were told. There is a thing that I can not comply with. My heart still beats for my children. I can not deprive them of any right to which they are entitled. I can not bring myself to that level to deny those who call upon me for their rights. That is the feeling that I entertain towards the women here, belonging to our bands, who have married white men; they have married for love. That is the way I feel—as I have expressed myself. If a man should tell me, "Part with the woman you are married with," I should not like it very much, because I am affectionate towards my wife, and I do not believe that she loses any right, and I do not belive any of the women lose any rights by marrying a white man.

The white man is very powerful; he enacts laws to suit himself, and then he puts them into force; but suppose there was a trial of strength in that matter, and I should oppose such separation, who would come out ahead? I think I would, because that is common sense.

Bishop MARTY. Your rights are protected. Your position is right.

NAH-GAH-NUP. I have given some of my children here some land. It looks to me as if I was losing my grip on that land, but I do not believe I am losing hold of any of their selections.

Bishop MARTY. Certainly you are not.

NAH-GAH-NUP. These young men, my children, and I, have been raised where I am, and we will rest together, as it were. Sometimes our young men are ignorant. The white man will come to them, saying, "You have a piece of paper that is worth something, and I want to buy it of you." And the Indian says, "Well, take it; I will sell it to you." The Indian does not know the value of it.

You see I am an old man. I have been working at this for a long time. I began it during the year of the war of the Sacs and Foxes, when they fought with the Americans. There was a woman who was living here in this section of country who was married to Mr. Cotay. He showed me a paper, and I sent for another paper of that kind. That paper gave me a great deal of information, and lightened my heart. That paper was promulgated amongst the different bands where we have villages, and there are a great many who accept the precepts of that book (meaning the prayer-book).

That is the reason that I hope my young men will feel I have omitted nothing for their benefit, and that is why I ask for a priest to remain among us, and I think my young men ought to appreciate my motives. So, if you will comply with my request, our young men will be very attentive and our children will progress. All those living here are in favor of this, and will take hold as they should and try to make it

a success. There is a little house built there, and whenever any one wants to go prayer he can go. I am getting a little cold.

Bishop MARTY. We will attend to one thing after another. The first thing is to come citizens by taking up land, and then you can establish your claims before t proper court. The court will appoint some one to investigate their claims, and adjudicate according to the evidence. By accepting this treaty you do not give any of your rights, but establish a foundation upon which you can proceed to your claims, and if anything accrues from them it is yours.

Mr. RICE. When we come to take the roll or census we wish you all to meet, a no one will be ruled out unless you do it yourselves. You will have whatev belongs to you, like the white man, wherever you may go.

ANTOINE NAH-GAH-NUP. We wish this matter should not end to-day. We wish a little further consideration, and that this council should convene also to-morro Look at the arrangement made over thirty years ago—something has come up becau it was done too hastily. We wish to gather in council again among ourselves.

Council then adjourned.

FOURTH COUNCIL WITH FOND DU LAC INDIANS.

NOVEMBER 21, 1889.

Commissioner WHITING. We are ready to listen to anything you may desire to s

GON-GE-KA-MI-GONS. I understood you that our reservation was about 100,000 acr and that the agricultural lands, under the act of Congress you bring, should be s for $1.25 per acre and the pine lands not less than $3 per thousand feet. How mu land will be sold at this place? And you say that five cents on a dollar interest w be given. We think that will be a great help for the people here. They say we about 700 here, and I will not dispute the assertion, but I don't think we are t number. There was evidently a great mistake in the old negotiations, but you ha come with an explanation of it through which we can see somewhat.

NAH-GAH-NUP. I am talking about the amount of land that was given to the mix bloods—80 acres each—in accordance with the treaty of 1854.

Old Shing-wok stated that as he was old he could not work, but must depend his fish, and said whenever he wanted fish he went to the lake, and he mention Sandy River as his fishing-ground. When the reservation was set apart and t took their allotments away from here, they put them over at Sandy River. Thi another thing I wish to go on the journal about old Shing-wok and his fishi ground. (Addressing the Chippewas.) I am addressing you about the way I und stood the old negotiations and about our division of property with the Lake Super Indians. It was well understood between us and Hole-in-the-day what should done.

(The interpreter stated that the old chief was talking in an unintelligible way.)

John Cadotte then addressed the Indians in Chippewa, in favor of the treaty.

Adjourned.

At the afternoon session James I. Coffee addressed the Indians in Chippewa, be followed in a speech to them by Julius Cadotte.

PAUL H. BEAULIEU. Are the mixed-bloods at liberty to ask questions?

Mr. RICE. Just as much as any one. We are glad to hear from them.

MICHEL DUFAULD. I wish to say a few words to the commissioners. I, who called a half-breed or mixed-blood, have always suffered from poverty. On e side of me I can see riches and wealth. There has not been an occasion that I remember when I have been called upon as a half-breed to deliberate in the coun of the Chippewas, hence I have had no word to say.

I, for one, have considered the bill you have presented to us. That bill sh that it is intended for our good. It is mercy that is shown us for our poverty; I, one, as a mixed-blood, do not want this snatched away from me. I shall hold o the proposition and accept it. Can it be possible that the President and the Gov ment of the United States should select one that we call our father, the bishop; such men as you gentlemen are, whom we know by reputation, to mislead us, say, "This is for your benefit," when it is not so? It can not be possible; we not believe it.

The mixed-bloods have come to an understanding among themselves, and they now all ready to accept the propositions made to them by the Government. leave this to the decision of the commissioners—where shall we begin this arra ment. Is it left for this man or that man to begin, or shall it be left to the c and headmen to begin?

Mr. RICE. Some of you may not know that in the treaty of 1847, which was m here at Fond du Lac, it was stipulated, at the request of your venerable old c

that the half-breeds should be considered as Chippewas, and receive the same rights, title, and interest as the Indians themselves.

It is best, however, for you all to act as one man, as one people, and I am sure none of you will ever or ever have forgotten the respect which you owe to your old and venerable chief. In olden times he was always your friend. He has but a short time to remain, and I know you will continue to respect him. You know what has been customary heretofore in leading off in a matter of this kind. After that there are no orders; come as you please.

Nah-gah-nup then addressed the Indians, telling them that he never kept anything to himself, but was always willing to share with his people, and then turning to the commissioners, said:

My friend (Mr. Rice), what you have spoken is the truth, and what my children have spoken is also the truth. It is left optional with the young men to accept or reject these propositions.

Bishop MARTY. But you seem to labor under the impression that the young men are going to leave the place?

NAH-GAH-NUP. That is the impression we are laboring under.

Bishop MARTY. That is entirely false.

NAH-GAH-NUP. They are entirely a unit in wishing to remain here, and we should like to hear the thing repeated.

Bishop Marty then read to the Indians, through the interpreter, the paragraph of the act of Congress which states that they may take their allotments on the reservations where they have belonged, and continued:

If there is anything else which holds you back, if you will be kind enough to tell us, we will explain it.

NAH-GAH-NUP (after addressing the Indians). We have heard the honorable commissioners explain the act submitted for our consideration. We believe it is all the truth. I believe to-day that I am blessed. I am supported by power and influence. I am supported by the right, and I know the words of our venerable bishop are true, and also those of my other friends sitting here. There is only one thing more. We have no cattle that we can work, and we wish a place set aside where we can have a church and a school built. And also a place for a village where improvements can be made and where blacksmiths can be stationed. And there ought to be a chapel built at the other place on the line of the railroad, where there is an Indian village. It is about a mile and a half from the railroad, where our gardens are located. We think the time is past when we should take a hat and put it on our heads just to mimic the white man, to adopt his custom without being allowed any of the privileges that belong to him. We wish to stand on a level with the white man in all things. The time is past when my children should stand in fear of the white man, and that is almost all that I have to say.

I omitted one thing. Yesterday one of the commissioners stated that when we wanted a board we had to buy it from the mills. We request that the commissioners recommend that a mill be situated in our midst for our use.

I shall always expect to hear a man like the bishop, who always calls upon the name of God, and hope that the wish shall not be expressed in vain.

Now, I address again my old friend, Mr. Rice, who knows all about the past transactions and the cessions and negotiations. I call upon him to use his influence and I call upon all the commissioners to use their influence, that our place shall be made as permanent as the place of the north star, which never changes its location. I want this place made as solid for us as the place where the Great Father is, so no man shall stand in fear of losing his possessions. I have had conversations with the Great Father, and also with the great general. And I hope my Great Father will put his hand to the paper, and make this ground solid for us according to my request; and that he will also have the great war-chief sign so that the paper will be made solid. I hope that the requests I have made will be sanctioned by the President and those around him, forming his Cabinet.

I thank the Master of Life for allowing me to say these words, and that my children should witness my anxiety for their welfare. Also, that all the people here will not lose sight of the fact that all my life I have worked for their interest, after I am called away from this world.

A great many make a contract with each other to live together for life. A great many children spring from that, and also much misery. What shall happen to a man who breaks his marriage vow? There is nothing that binds them. Men, and women also, think very lightly of their marriage vows, because there is no restraint. There ought to be a law so that they would not think so lightly of this. My father (Bishop Marty), that is all that I ask of you and it is something that I can not control.

Bishop MARTY. You are all Catholics, and in the Catholic Church there divorce. All white men who are Catholics have the same law, and I am hap say that among white men who are not Catholics the views expressed by the begin to prevail.

Society is ruined if the family, which is its foundation, is not preserved. I fore hope that before long a law will be passed in the United States that di shall be unlawful.

You will probably have a resident priest next year, and he will adjust all matters. I am thankful that you have spoken as you have.

Mr. RICE. If agreeable to you, we will now proceed with the signatures, w with the taking of the census, will take two days.

The old chief, Nah-gah-nup, then signed the agreement, and was followed b other male Indians of proper age.

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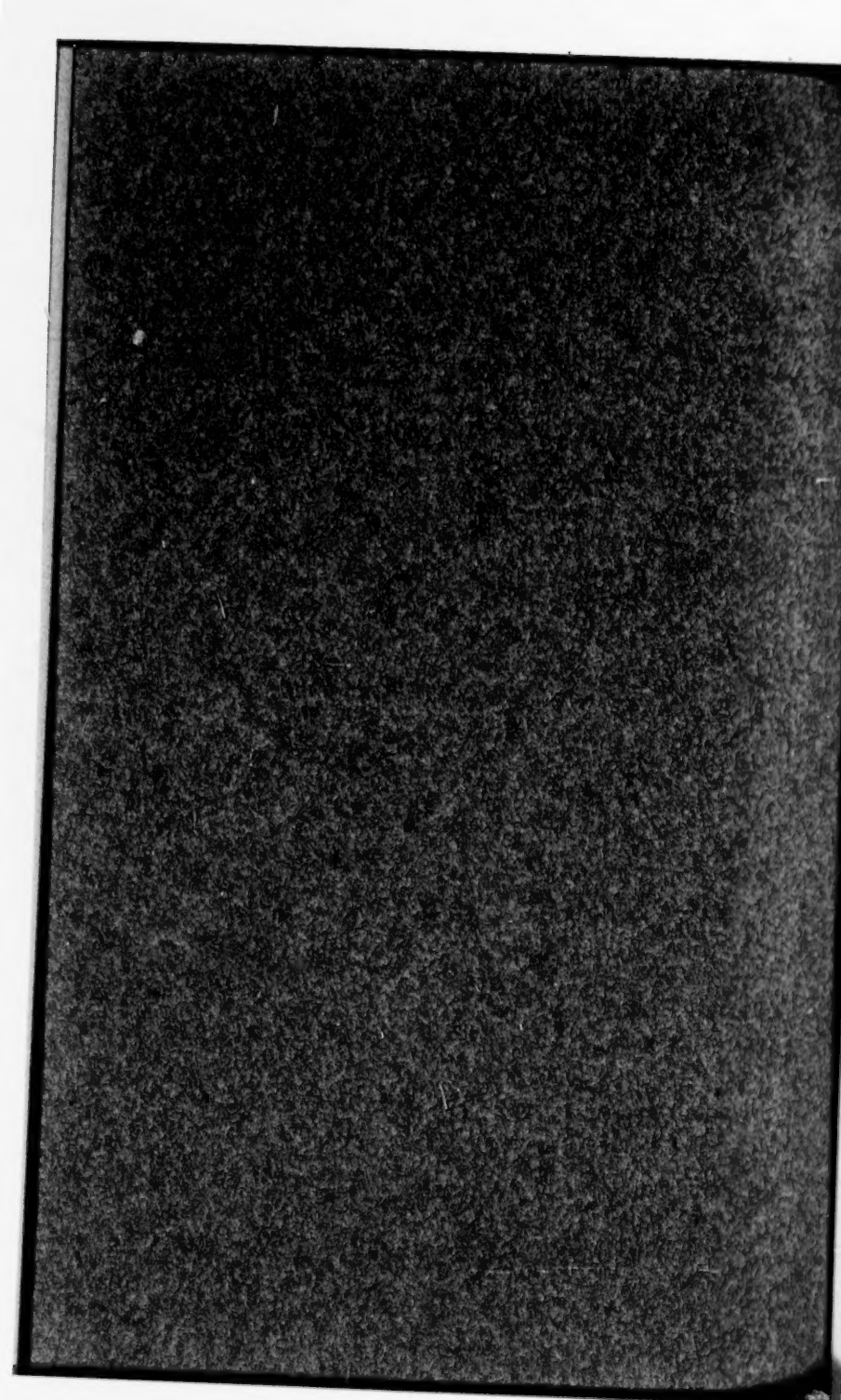
BRIEF FOR APPELLEE



In the Supreme Court of the United States.

OCTOBER TERM, 1905.

JOSEPH NAGANAB, APPELLANT,
v.
ETHAN ALLAN HITCHCOCK, SECRETARY OF the Interior. } No. 247.

ON APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR APPELLEE.

Joseph Naganab, the appellant herein, filed his petition in the Supreme Court of the District of Columbia, asking that defendant, appellee here, be restrained from all or any further act or acts done and intended to be done in execution of the act of Congress approved June 27, 1902, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine." (32 Statutes, 400.)

The defendant demurred to the bill (record, p. 27) upon the grounds stated as follows:

1. That there is a defect of parties complainant.

2. That the bill is bad in substance, in that it does not set out any facts sufficient to entitle the complainant or the real party in interest, the Chippewa Indians of Minnesota, to the relief prayed for or to any relief.

3. That the court has no jurisdiction over the subject-matter of the suit.

This demurrer was sustained and the bill of complaint dismissed. Upon appeal to the Court of Appeals of the District of Columbia the decree dismissing the bill was affirmed (Record, pp. 30–34). From that decree of affirmance the complainant has appealed to this court.

The sole ground of this suit is the alleged unconstitutionality of said act of Congress approved June 27, 1902. It should be further stated that the sales advertised as stated in the bill of complaint (Record, p. 25) for December 5 and 28, 1903, were held as advertised, prior to the hearing of this petition by the justice of the Supreme Court of the District of Columbia, and at that hearing the solicitor stated in open court that his client had no complaint to urge against such sales.

EFFECT OF DEMURRER.

The rule as to the effect of a demurrer and as to the matters admitted thereby to be true is so clearly stated by the Court of Appeals for the District of Columbia in the case of *Maese* v. *Herman* (17 App. D. C., 52, 59) that we quote it as follows:

> It is a well-settled principle in the law of demurrer that while the demurrer admits as true

> for the purposes of the decision invoked by it all facts well and sufficiently pleaded, yet it does not admit as true mere matters of law which the pleader may think proper to state in his pleadings, nor the conclusions drawn from the facts stated therein. That is for the court exclusively. Nor does the demurrer in any manner admit the correctness of an allegation as to the construction of a statute, or of a grant or other document or official act that may be insisted upon by the pleader as the foundation of his claim and title or that may be set up in opposition thereto. That is matter of law for determination by the court. These propositions are too clear to require citations of authority for their support.

The averments in this bill, which amount to a statement of the legal effect of any law, or document, or act of an officer of the Government, of which the court takes judicial notice, are not admitted as true by the demurrer filed. There are certain facts of which the courts will take judicial notice in the absence of any allegation, or even in the face of an allegation setting forth a different state of things. (Daniels's Chancery Pleading and Practice, Vol. I, p. 522, fifth ed.)

In the case of *Knight* v. *United States Land Association* (142 U. S., 161, 168–169), in the statement of the case, the court said:

> To understand precisely the exact nature of the questions involved in this case, a somewhat more detailed statment of facts than is contained in the above findings of the referee will be found

useful. These facts are not contradictory of those findings, and are recited in former decisions of this court, statutes of the United States and of the State of California, and the records of the Interior Department, of all of which the court can take judicial notice.

The dealings of the Government with the Indian tribes within the geographical limits of the United States, but no part of the body politic, form such an important phase of the political history of the country that the courts will take judicial notice of those dealings as shown by acts of Congress, public documents printed by authority of Congress, orders and proclamations of executive officers, and the records of the Interior Department, which is, by sections 441 and 463, Revised Statutes of the United States, charged with the supervision of public business relating to the Indians.

THERE ARE CERTAIN RULES WHICH THE COURTS WILL OBSERVE IN CASES INVOLVING THE VALIDITY OF AN ACT OF CONGRESS.

This is a proceeding to secure a declaration from the courts that the act of Congress approved June 27, 1902 (32 Stat., 400), is unconstitutional and of no effect, and the intervention of the courts to prevent the executive officers of the Government from proceeding to administer it. The judiciary is asked to say that a coordinate branch of the Government has exceeded its powers. That the courts are ever reluctant to do, and in such cases will resolve every doubt in favor of the validity of the statute. The position assumed by this

Court was stated by Chief Justice Marshall as early as 1810, in *Fletcher* v. *Peck* (6 Cranch, 87, 128), wherein he said:

> The question whether a law be void for its repugnancy to the Constitution is at all times a question of much delicacy which ought seldom, if ever, to be decided in the affirmative in a doubtful case. The court, when impelled by duty to render such a judgment, would be unworthy of its station could it be unmindful of the solemn obligations which that station imposes; but it is not on slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers and its acts to be considered as void. The opposition between the Constitution and the law should be such that the judge feels a clear and strong conviction of their incompatibility with each other.

The rule was again stated by Chief Justice Waite in *Sinking Fund cases* (99 U. S., 700, 718), as follows:

> Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government can not encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule.

The position taken in these two cases has been recognized and accepted as the proper one in many other cases, among them being: *Powell* v. *Pennsylvania*

(127 U. S., 678, 684); *Angle* v. *Chicago, St. Paul, etc., Railway* (151 U. S., 1, 18); *Chicago and G. T. Ry. Co.* v. *Wellman* (143 U. S., 339, 346); *United States* v. *Old Settlers* (148 U. S., 427, 466); *Nicol* v. *Ames* (173 U. S., 509, 514–515; *The Japanese Immigrant Case*, 189 U. S., 86, 101).

The province of the judicial department and the extent of its duty in the premises in such cases is stated in Cooley's Constitutional Limitations (6th ed., p. 217), as follows:

> The constitutionality of a law, then, is to be presumed, because the legislature, which was first required to pass upon the question, acting, as they must be deemed to have acted, with integrity and with a just desire to keep within the restrictions laid by the Constitution upon their action, have adjudged that it is so. They are a coordinate department of the Government with the judiciary, invested with very high and responsible duties, as to some of which their acts are not subject to judicial scrutiny, and they legislate under the solemnity of an official oath, which it is not to be supposed they will disregard. It must, therefore, be supposed that their own doubts of the constitutionality of their action have been deliberately solved in its favor, so that the courts may, with some confidence, repose upon their conclusion as one based upon their best judgment.

The courts have no authority to inquire into the motives of the legislators or as to the expediency of the legislation, their right of inquiry being limited to the question of *power*. In *McCulloch* v. *Maryland* (4

Wheaton, 316, 423), after finding that the law there under discussion provided an instrument necessary as a means to effect legitimate objects of the Government, the court said:

> But were its necessity less apparent, none can deny its being an appropriate measure; and if it is, the degree of its necessity, as has been very justly observed, is to be discussed in another place. Should Congress, in the execution of its powers, adopt measures which are prohibited by the Constitution, or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land. But where the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground. This court disclaims all pretentions to such a power.

In *United States* v. *Des Moines Navigation and Ry. Co.* (142 U. S., 510, 544) it was said:

> * * * The knowledge and good faith of a legislature are not open to question. It is conclusively presumed that a legislature acts with full knowledge and in good faith. It is true the bill alleges that its passage was induced by the navigation company by false represen-

> tations and threats of suits, but such an allegation amounts to nothing. In Cooley's Constitutional Limitations (5th ed., 222) the author, citing several cases, observes: "From what examination has been given to this subject, it appears that whether a statute is constitutional or not is always a question of power; that is, a question whether the legislature in the particular case, in respect to the subject-matter of the act, the manner in which its object is to be accomplished, and the mode of enacting it has kept within the constitutional limits and observed the constitutional conditions. In any case in which this question is answered in the affirmative the courts are not at liberty to inquire into the proper exercise of the power. They must assume that legislative discretion has been properly exercised." * * *

In *Angle* v. *Chicago, St. Paul, etc., Ry. Co.* (151 U. S., 1, 18) the decision in *Fletcher* v. *Peck* (*supra*) was quoted from, and it was said:

> * * * The rule, briefly stated, is that whenever an act of the legislature is challenged in court the inquiry is limited to the question of power, and does not extend to the matter of expediency, the motives of the legislators, or the reasons which were spread before them to induce the passage of the act. This principle rests upon the independence of the legislature as one of the coordinate departments of the Government. It would not be seemly for either of the three departments to be instituting an inquiry as to whether another acted wisely, intelligently, or corruptly.

The same rule is again laid down in *Lindsay & Phelps Co.* v. *Mullin* (176 U. S., 126, 146).

In *Luther* v. *Borden* (7 How., 1, 47) the necessity for the courts to carefully avoid passing beyond the appropriate sphere of their action was emphatically stated, and later, in *Taylor and Marshall* v. *Beckham* (178 U. S., 548, 580), that statement was quoted approvingly, and is as follows:

> The high power has been conferred on this court of passing judgment upon the acts of the State sovereignties and of the legislative and executive branches of the Federal Government, and of determining whether they are beyond the limits of power marked out for them respectively by the Constitution of the United States. This tribunal, therefore, should be the last to overstep the boundaries which limit its own jurisdiction. And, while it should always be ready to meet any question confided to it by the Constitution, it is equally its duty not to pass beyond its appropriate sphere of action, and to take care not to involve itself in discussions which properly belong to other forums.

Under our system of government the legislative, the executive, and the judicial department each has an appropriate sphere of action, and the continued existence of the Government upon the basis on which it was established demands that none of these branches shall invade the jurisdiction of any other. The judiciary should, with especial care, avoid trespassing upon the domain of either of the other branches, be-

cause it has properly and consistently resented any apparent tendency of either of those branches to invade its territory. The importance of the principles thus stated as preliminary to the examination of the questions directly involved here should be carried in mind in the further consideration of those questions.

THE BILL IS DEFECTIVE BECAUSE OF LACK OF PROPER PARTIES COMPLAINANT.

It is alleged that the complainant is a member of the band and tribe of Chippewa Indians in the State of Minnesota, and chief of the band or tribe formerly occupying the Fond du Lac Reservation; that he brings this suit for the benefit of himself and all other members of the bands or tribes of Chippewa Indians in Minnesota (Record, p. 1). By amendment there has been added to the allegations of the first paragraph of the bill the statement that complainant is a citizen of the United States. There is no allegation that he has any authority from the various bands of Indians, or from any one band, or even from any individual Indian, to institute and prosecute these proceedings.

Formerly, the Chippewa Indians claimed a right to a large section of country. This was what has been termed the ordinary Indian right and defined to be simply the right of occupancy, the fee remaining in the United States. (*Cherokee Nation* v. *Georgia*, 5 Peters, 1; *United States* v. *Cook*, 19 Wall., 591; *Beecher* v. *Wetherby*, 95 U. S., 517; *Buttz* v. *Northern Pacific R. R. Co.*, 119 U. S., 55, 67; *Missouri, Kansas and Texas Ry. Co.* v. *Roberts*, 152 U. S., 114.) In the course of time

these Indians ceded whatever right they had to this undefined tract of country and came to be gathered upon separate and distinct reservations established and defined under various treaties, laws of Congress, and Executive proclamations. (Red Lake, treaty of October 2, 1863, 13 Stat., 667; White Earth, treaty of March 19, 1867, 16 Stat., 719, and Executive orders, March 18, 1879, and July 13, 1883; Chippewa, treaties of February 22, 1855, 10 Stat., 1165, and March 19, 1867, 16 Stat., 719; White Oak Point, Executive orders, October 29, 1873, and May 26, 1874; Fond du Lac, treaty of September 20, 1854, 10 Stat., 1109, and act of Congress May 26, 1872, 18 Stat., 190; Mille Lac, treaties of February 22, 1855, 10 Stat., 1165, and May 7, 1864, 13 Stat., 693; Leech Lake, Treaty of February 22, 1855, 10 Stat., 1165, and Executive orders, November 4, 1873, and May 26, 1874; Grand Portage, treaty of September 3, 1854, 10 Stat., 1109; Bois Fort, treaty of April 7, 1866, 14 Stat., 765; Deer Creek, Executive order, June 30, 1883.) Whatever claim the Chippewa Indians had to the lands thus reserved was in the tribe and not in the individual Indian. No individual had any separable interest therein nor any interest which he could convey to another or which would descend to his heirs at his death. He lost all interest therein by separation from the tribe. In other words, it was communal tribal property.

This condition existed when Congress passed the act of January 14, 1889 (25 Stat., 642), authorizing negotiations with the Indians for the release of their claims

to the lands within said reservations, except those in Red Lake and White Earth, and so much of those as was not needed to make allotments in severalty to individual members of the tribes, as therein provided. The lands not needed for allotments were to be classified as pine and agricultural lands, the pine lands to be sold in the manner specified and the agricultural lands to be opened to settlement under the homestead laws, with the added provision that each homestead claimant should pay $1.25 an acre for the land taken by him. The money accruing from the disposal of these lands, after deducting the expenses incident to the cession thereof, the removal of the Indians, and the sale of the land, was to be placed in the Treasury of the United States to the credit "of all the Chippewa Indians in the State of Minnesota as a permanent fund." This fund was to draw interest at 5 per cent per annum for the period of fifty years after the allotments were made. One-half the interest was to be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; one-fourth to be annually paid in cash in equal shares per capita to all other classes of the said Indians; and the remaining one-fourth was to be devoted, under the direction of the Secretary of the Interior, to the establishment and maintenance of a system of free schools among said Indians. At the end of fifty years the permanent fund was to be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares.

It is thus seen that the money arising from and representing whatever claim the tribe had in said lands remains tribal property. The cession was not made by the Indians as individuals, but was made by the various tribes, represented by two-thirds of their adult members. In the whole transaction the tribe, and not the individual, was recognized and treated with. Any injury done by a failure or refusal to carry out the provisions of the act of Congress under which the tribal interest in said lands was relinquished is an injury to the tribes. Any proceeding brought to prevent an apprehended injury arising out of a failure or refusal to carry out the provisions of said act of 1889 should be brought upon the authority of the tribes, given in the usual manner by the councils of the various tribes, or by business committees designated to look after tribal affairs. No individual has any separable or defined interest in the execution of the provisions of said act that would entitle him to be heard to complain that the provisions thereof were not being carried out. The Chippewa Indians of Minnesota are, according to the statements of this bill, divided into some ten distinct bands or tribes, and from the annual report of the Commissioner of Indian Affairs for 1902 these various bands or tribes numbered 7,933 individuals. The complainant appears here as a self-constituted champion of the public rights, showing and in fact claiming no authority from the tribes or any of them, or from any representative body thereof, or from any other individual member. He is not entitled to recog-

nition to prosecute this suit and to hamper the administration of public business and very possibly to endanger the best interest of the Indians. The further allegation that he is a citizen of the United States is of no importance in this connection. In *Hitchcock* v. *Big Boy* (22 App. D. C., 275) a question arose as to the power of Congress to place restrictions upon the individual Indian after he had become a citizen of the United States, respecting the use and control of his property, and the court said: "The matter of citizenship is an entirely extraneous thing and has nothing whatever to do with the case." The theory upon which this proposition is based has been recognized by this court in *United States* v. *Rickert* (188 U.S., 432), and *Matter of Heff* (197 U.S., 488.) That statement has even greater applicability here where the subject-matter is tribal in character. Tribal property or rights remain subject to the same rules as to control and disposition thereof, even though the individuals composing the tribe become citizens of the United States. The bill was subject to demurrer, because not brought upon the authority of the real parties in interest, and the action of the court below sustaining the demurrer and dismissing the bill of complaint should be affirmed.

THE BILL DOES NOT STATE FACTS WHICH SHOW THAT THE COMPLAINANT OR THE CHIPPEWA INDIANS ARE ENTITLED TO THE RELIEF PRAYED FOR.

The petition, paragraph 3, states that the bands and tribes of the Chippewa Indians have kept up and maintained their tribal and band relations and have

occupied and owned the lands and reservations in said State, afterwards described in the bill, up to the time of the passage of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of Chippewa Indians in the State of Minnesota." The allegation that the Indians "owned" these lands is not admitted as true by the demurrer. The legal effect of the treaties, acts of Congress, and Executive orders under which the reservations were established, in respect of the character of the claim of the Indians thereto, will be determined by the court without regard to the allegations in the bill as to the effect thereof. The petition further recites that in pursuance of said act the Indians ceded, relinquished, and conveyed to the United States certain of said reservations and certain parts of others, setting forth copies of the instruments of cession. (Record, pp. 2–18.)

It is alleged, paragraph 4, that the relinquishments were approved by the President of the United States, and a copy of his alleged approval is inserted (Record, pp. 19–20). It is further alleged that these relinquishments affect 3,355,771 acres; that the relinquishments were in trust for the purpose and upon the conditions stated in said act; that the Secretary of the Interior proceeded to examine and classify said lands, as said act requires, and that approximately 1,500,000 acres thereof were classified as pine lands and 1,855,000 acres as agricultural lands; that it is the right of the complainant and of the said Chippewa Indians to have said trust further and completely executed, ac-

cording to the terms and conditions thereof, as stated in sections 5, 6, and 7 of said act, which sections are quoted in the bill (Record, pp. 21–22).

It is further alleged, paragraph 5 (Record, pp. 22–23), that said trust was only partially executed in that only part of the agricultural lands and only part of the pine lands had been disposed of up to June 27, 1902, when Congress enacted an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889;" that among the pine lands remaining undisposed of is all the pine land upon the reservations known as the Chippewa of Mississippi, Leech Lake, Cass Lake, and Winnebegoshish reservations, upon which there are approximately 600,000 acres of pine land and 300,000 acres of agricultural land; that said agricultural lands are worth $1.25 per acre, and the pine lands are worth upward of $10,000,000; that the act of Congress of June 27, 1902, was passed without the consent of the Chippewa Indians in Minnesota, or any of them, and in derogation of their rights and in contravention of the terms of the trust created by the act of January 14, 1889. It is further alleged that the complainant, with all the other Chippewa Indians in the State of Minnesota, had, at the passage of the act of June 27, 1902, and still has, a vested and indefeasible interest in the execution of said trust and the funds to be derived from such execution, which interest was and is valuable property; that said last-

named act is not only in violation of said trust, but in direct conflict and violation of Article V of the Constitution of the United States, in that it deprives the complainant and each and all of the Chippewa Indians in the State of Minnesota of their property without compensation and without due process of law; that the said last-named act is unconstitutional and absolutely void; but notwithstanding the unconstitutionality and invalidity of said act, the defendant herein, as Secretary of the Interior, has proceeded and is now proceeding to carry its provisions into effect, and has actually set aside and authorized the setting aside of nearly 300,000 acres of pine lands as a perpetual forest reserve, and refuses to sell and dispose of the same, as by the relinquishment required; that the value of the timber on the land so set aside is at least $3,000,000; that the complainant and each and all of the Chippewa Indians in the State of Minnesota will suffer damage in and to that amount by the carrying into effect of the said void act; that the defendant, as Secretary of the Interior, has prescribed rules and regulations for the sale of the timber on about 300,000 acres of pine land contiguous and adjoining the said proposed forest reserve, and for the sale of 95 per cent of the merchantable pine timber on the lands selected for such forest reserve; that the necessary result of carrying said rules and regulations into effect will be to reduce the salable value of the pine timber and the amount to be realized therefrom one-fourth, amounting to more than

$1,000,000; that the trust fund will be diminished to that extent; that the defendant, as Secretary of the Interior, has advertised for sale the pine timber on approximately 300,000 acres of said ceded lands, to take place December 5 and December 28, 1903, and that unless restrained by the process of this court the defendant, as Secretary of the Interior, will sell the said pine timber under said rules and instructions under said act, to the irreparable injury of the complainant and of all the Chippewa Indians in the State of Minnesota.

The complainant then prays that summons issue, that the defendant be temporarily enjoined from all or any further acts under said act of Congress of June 27, 1902; that the defendant be perpetually enjoined from all or any further acts under said act of Congress; that the defendant be required to completely execute the said trust and fully account to complainant, as provided in the act of January 14, 1889; that complainant have leave at any time to amend his bill, and for general relief.

THE UNCONSTITUTIONALITY OF AN ACT OF CONGRESS IS NOT OF ITSELF SUFFICIENT GROUND FOR INJUNCTION.

It is not alleged that the defendant has done, or is contemplating doing, anything other than what is commanded of him by said act of June 27, 1902. It is admitted inferentially, if not expressly, that the acts complained of are fully authorized by said law. The basis of these proceedings is the allegation that said act of Congress is unconstitutional and void. It has,

however, been laid down by this court in many cases that the fact that a law is unconstitutional does not of itself entitle a party to relief by injunction to prevent the performance of acts commanded by that law. Several of the cases in which this has been held are cited in *Cruickshank* v. *Bidwell* (176 U. S., 73, 80), where the rule is stated as follows:

> It is settled that the mere fact that a law is unconstitutional does not entitle a party to relief by injunction against proceedings in compliance therewith, but it must appear that he has no adequate remedy by the ordinary processes of the law, or that the case falls under some recognized head of equity jurisdiction. (*Shelton* v. *Platt*, 139 U. S., 591; *Allen* v. *Pullman Palace Car Company*, 139 U. S., 658; *Pacific Express Company* v. *Seibert*, 142 U. S., 339; *Pittsburg, etc., Railway Company* v. *Board of Public Works*, 172 U. S., 32; *Arkansas Building and Loan Association* v. *Madden*, 175 U. S., 269.)

Reference is also made to *Mississippi* v. *Johnson* (4 Wall., 475, 499–500) for a discussion of this question. To maintain these proceedings the complainant must show some ground other than the unconstitutionality of the act in question.

OTHER ALLEGATIONS INSUFFICIENT.

Considering all the averments found in the bill they amount simply to the allegation that Congress is guilty of a breach of trust. The statements further show, however, that any damages which could result from such alleged breach of trust are of a pecuniary nature

and readily ascertainable in amount. This being true, the bill does not present any sufficient reason for invoking the extraordinary remedy of injunction. In *Cruickshank* v. *Bidwell* the court further said (p. 81):

> The sole ground of equity jurisdiction put forward is the inadequacy of the remedy at law in that the injury threatened is not susceptible of complete compensation in damages. The mere assertion that the apprehended acts will inflict irreparable injury is not enough. Facts must be alleged from which the court can reasonably infer that such would be the result, and in this particular we think the bill fatally defective.

The assertion in this bill that the apprehended acts will inflict irreparable injury is not borne out by the facts as shown by the bill. It is not averred that the injury threatened here is not susceptible of complete compensation in damages. In fact, the allegations of the bill establish the contrary condition. It is alleged that the breach of trust will impose upon the complainant a pecuniary loss, growing out of the failure to sell a part of the timber upon the ceded lands and of the refusal by Congress to open to settlement and disposition certain defined portions of the ceded lands. The bill alleges that the agricultural lands are of the value of $1.25 per acre, and this furnishes a basis for computing the loss to complainant by reason of the refusal to dispose of such lands in accordance with the provisions of the act of January 14, 1889. Under the provisions of said act of 1889, and also those of the act of June 27, 1902, the timber on all ceded lands

is to be appraised. It is clear, therefore, that the value of any timber that may not be sold can be easily ascertained; in fact, the bill itself contains averments as to the value of such timber.

Under conditions like these, where the only damages apprehended are pecuniary in nature and ascertainable, the complainant must explicitly state and show that proceedings at law to recover the amount of such damages would be unavailing. This was substantially the holding in *Cruickshank* v. *Bidwell* (*supra*), where the injury apprehended was the loss of the value of certain teas condemned by the collector of customs of New York. This bill does not aver that the complainant has not an adequate remedy at law for any apprehended damages, nor does it state facts which would justify the court in concluding that there is no such remedy. We respectfully submit, therefore, that the bill here does not present a condition of affairs that entitles the complainant to a writ of injunction to prevent this defendant from performing the acts required of him by said act of June 27, 1902, or to any relief in equity, and therefore ask that the decision appealed from be affirmed.

The subject-matter involved here is political in its nature and entirely outside the domain of the judiciary. Even if the suit had been brought in the name of the proper party, and if the bill had stated facts entitling the party to equitable relief, yet the court is without jurisdiction to grant such relief, because it has no power to control the political branch of the Government in the discharge of the duties committed there.

THE INDIANS ARE WARDS OF THE UNITED STATES.

The Indian tribes located within the geographical limits of the United States are not independent sovereign powers or nations, but dependent communities in all matters relating to their protection, government, civilization, support, and management of tribal property, subject to the supervision and control of the United States. In *Cherokee Nation* v. *Georgia* (5 Pet., 1, 17), Chief Justice Marshall described the Indians as "domestic dependent nations," as "in a state of pupilage," and said: "Their relation to the United States resembles that of a ward to his guardian." In *United States* v. *Kagama* (118 U. S., 375, 383), it is said: "These Indian tribes *are* the wards of the nation. They are communities dependent upon the United States. Dependent largely for their daily food, dependent for their political rights."

This doctrine has been repeated in later decisions, among which may be mentioned *Choctaw Nation* v. *United States* (119 U. S., 1, 25); *Cherokee Nation* v. *Southern Kansas Ry. Co.* (135 U. S., 641, 653); *Stephens* v. *Cherokee Nation* (174 U. S., 445, 484); *Lone Wolf* v. *Hitchcock* (187 U. S., 553, 566, 567). For many years the political branch of the Government accorded the various Indian tribes a certain degree of recognition as independent powers, in that treaties were negotiated with them and they were allowed to make laws and regulations in respect to their internal and tribal affairs. That policy was, however, definitely abandoned and a new policy, that of governing them by acts of Con-

gress, was announced by the act of March 3, 1871 (16 Stat., 544, 566), which contained a provision, afterwards carried into the Revised Statutes as section 2079, as follows:

> *Provided*, That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.

Speaking of this legislation this court has declared that the Indians are "subject to the power and authority of the laws of the United States when Congress should choose, as it did determine in the act of March 3, 1871, embodied in section 2079, Revised Statutes, to exert its legislative power" (*Choctaw Nation* v. *United States*, 119 U. S., 1, 27); and again: "The policy of the Government, however, in dealing with the Indian nations was definitely expressed in a proviso inserted in the Indian appropriation act of March 3, 1871." (*Stephens* v. *Cherokee Nation*, 174 U. S., 445, 483.) In *Cherokee Nation* v. *Hitchcock* (187 U. S., 294, 305) the court said:

> Prior to the act of March 3, 1871, 16 Stat., 544, 566, now section 2079 of the Revised Statutes, which statute, in effect, voiced the intention of Congress thereafter to make the Indian tribes amenable directly to the power

> and authority of the laws of the United States by the immediate exercise of its legislative power over them, the customary mode of dealing with the Indian tribes was by treaty. As, however, held in *Cherokee Nation* v. *Southern Kansas Railway Co.* (135 U. S., 641, 653), reaffirmed in *Stephens* v. *Cherokee Nation* (174 U.S., 445, 484), while the Cherokee Nation and other Indian tribes domiciled within the United States had been recognized by the United States as separate communities, and engagements entered into with them by means of formal treaties, they were yet regarded as in a condition of pupilage or dependency and subject to the paramount authority of the United States.

The same doctrine is announced in *Lone Wolf* v. *United States* (187 U. S., 553, 565–566), wherein the court quoted from *United States* v. *Kagama*.

It is clear from these authorities that Congress had full power to assume direct control of the Indians and their property, as it did by said act of March 3, 1871. That Congress may have chosen, as it did in the act of 1889 and in other instances, to authorize the negotiation of agreements with the Indians, or to secure the consent of the Indians to enactments affecting their property, does not in any way modify or detract from the force of the legislation enacted by said act of 1871. The failure of Congress to exercise any legislative power vested in that body, or to exercise it in a specified manner, does not destroy the power or foreclose resort to the specified manner when occasion arises for

its use. (*Chicago, Burlington & Quincy R. R. Co.* v. *Iowa*, 94 U. S., 155, 162.) That Congress saw fit in the act of 1889 to present the matter to the Indians for their concurrence did not in any wise affect the power of Congress to further legislate in their behalf without submitting the matter to them, as it did in the act of June 27, 1902. This act is therefore not unconstitutional on the ground that Congress had not authority in the premises to legislate directly upon the matter without securing the assent of the Indians thereto.

THE INDIANS BEING WARDS OF THE UNITED STATES THE POWER AND DUTY OF CONTROLLING THEIR PROPERTY RESTS WITH THE POLITICAL BRANCH OF THE GOVERNMENT.

The authorities to be cited in the discussion of this phase of the case are necessarily in large part those referred to in the preceding discussion. The propositions being closely allied would very naturally and probably come up for consideration together. In every instance where the matter has been presented the courts have disavowed authority to exercise control over the political branch of the Government in transactions with the Indians and have stated and reiterated the proposition that redress for any injury suffered by the Indians must be sought from Congress.

In *Cherokee Nation* v. *Southern Kansas Ry. Co.* (135 U. S., 641, 654), the court, after referring to the treaties of 1835, 1846, and 1866, as recognizing the Cherokees as a separate and distinct people, and as

guaranteeing them the title and possession of their lands and jurisdiction over their country, said:

> But neither these nor any previous treaties evinced any intention upon the part of the Government to discharge them from their condition of pupilage or dependency and constitute them a separate, independent, sovereign people, with no superior within its limits.

In *Stephens* v. *Cherokee Nation* (174 U. S., 445), after a long extract from *Cherokee Nation* v. *Southern Kansas Ry. Co.*, characterized as sufficiently showing the general power of Congress over the Indian tribes, it was said (p. 486):

> Such being the position occupied by these tribes (and it has often been availed of to their advantage), and the power of Congress in the premises having the plentitude thus indicated, we are unable to perceive that the legislation in question is in contravention of the Constitution

That case presents, perhaps, the most notable instance of the exercise of the power vested in Congress over the property of Indians. The Cherokees and other nations constituting the Five Civilized Tribes had, by various treaties, been recognized as separate peoples; had been assured the title and possession of their lands and jurisdiction over their country, and had been given patents for their lands with the single condition that they should not be sold except to the United States. Congress, concluding that the experiment of self-government by these peoples had proved a failure, and that they were not properly managing

their affairs, determined to interpose its authority and to assume full control over them. By the acts of June 10, 1896 (29 Stat., 321, 339), and June 7, 1897 (30 Stat., 62, 84), provisions were made for deciding the claims to citizenship in the respective nations and for making rolls of citizens. By the act of June 28, 1898 (30 Stat., 495), it was provided that a commission should proceed to allot the exclusive use of the surface of the lands among the citizens of the nations, such allotments to be confirmed by the Secretary of the Interior, that the minerals in their lands should be leased by the Secretary of the Interior, that town sites should be platted and the lots sold, that all leases of agricultural lands made by the tribe or any member thereof prior to January 1, 1898, should be absolutely void, that the laws of the tribe should not after the date of the act be enforced by the courts of the United States in Indian Territory, and that on July 1, 1898, all tribal courts should be abolished. In short, by said act Congress ousted the Cherokee Nation of all control over its own affairs and assumed complete jurisdiction thereof. This court fully sustained the power of Congress in the premises and declared "the entire legislation constitutional." After once asserting the plenary power of Congress in the premises the court, as if to emphasize the proposition and avoid the possibility of any mistake, said (p. 488):

> We repeat that in view of the paramount authority of Congress over the Indian tribes,

> and of the duties imposed on the Government by their condition of dependency, we can not say that Congress could not empower the Dawes Commission to determine, in the manner provided, who were entitled to citizenship in each of the tribes, and make out correct rolls of such citizens, an essential preliminary to effective action in promotion of the best interests of the tribes. * * *

In *Barker* v. *Harvey* (181 U. S., 481, 492) the court described the Indians as wards of the Government, and placed the obligations incident to the guardianship upon Congress, saying:

> It is undoubtedly true that this Government has always recognized the fact that the Indians were its wards, and entitled to be protected as such, and this court has uniformly construed all legislation in the light of this recognized obligation. But the obligation is one which rests upon the political department of the Government, and this court has never assumed, in the absence of Congressional action, to determine what would have been appropriate legislation, or to decide the claims of the Indians as though such legislation had been had. * * *

The doctrine was discussed by the Court of Appeals of the District of Columbia in *Lone Wolf* v. *Hitchcock* (19 App. D. C., 315), wherein the court cited various authorities and concluded that in view of the dependent relation of the Indian tribes to the United States and the plenary power of Congress over them, the court had no jurisdiction in the premises. This conclusion

was fully sustained by this court upon appeal (187 U. S., 553). The same views were clearly expressed in *Cherokee Nation* v. *Hitchcock* (187 U. S., 294).

In *Minnesota* v. *Hitchcock* (185 U. S., 373) the State claimed that the extinguishment of the Indian right left sections 16 and 36 of each township of the lands affected subject to the grant to the State for public schools. After stating that the fee of those lands was in the United States subject to the right of occupancy by the Indians, and that the Government might convey that fee, the court said:

> At the same time the Indian's right of occupancy has always been held to be sacred; something not to be taken from him except by his consent, and then upon such consideration as should be agreed upon.

It may be claimed that by this statement the court has asserted that Congress has no power to determine the right of occupancy of an Indian tribe except by means of negotiations and agreement with the Indians, and therefore that it is opposed to the proposition that Congress has plenary power in such matters. The statement can not be given that interpretation. In *Beecher* v. *Wetherby* (95 U. S., 517) the court said that the occupancy of Indians could be "interfered with or determined" only by the United States and that while the United States should be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race, yet the propriety or justice of their action toward the

Indians with respect to their lands is a question of governmental policy. It has always been held that the courts have no power to decide questions of governmental policy or to control the political branch of the Government in such matters. In *Lone Wolf* v. *Hitchcock* (187 U. S., 433, 565) the court quoted from *Beecher* v. *Wetherby* (*supra*), and followed the quotation with the statement:

> Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government.

In view of the explicit disavowal, found in both the earlier and later decisions, of any power in the courts to control the political branch of the Government in its dealings with the Indians, in respect of their occupancy right in lands the fee of which remained in the United States, it can not be said that the court meant, in the statement quoted from *Minnesota* v. *Hitchcock*, to lay down a different rule or to assert that such dealings involved questions that may be presented to and decided by the judicial branch of the Government. It is evident the court was stating a rule of morals proper to be observed by the political branch of the Government in dealings with the Indians and was not laying down a rule of law to control in such matters and to be enforced by appeal to the courts. In *Blackfeather* v. *United States* (190 U. S., 368, 370), the court said:

> The moral obligations of the Government toward the Indians, whatever they may be, are for Congress alone to recognize, and the courts can exercise only such jurisdiction over the subject as Congress may confer upon them.

We insist that the proposition that Congress has plenary power over the property of the Indians, wards of the Government, is sound in principle, and that the overwhelming array of authorities supporting it ought to close the door to further discussion of it. The complainant here can hope to secure consideration of the questions presented by his bill only upon the theory that that proposition is still within the realm of debate. He can secure the relief prayed for only upon the theory that that proposition is not sound. We respectfully submit that both positions are wholly untenable, and that therefore the demurrer was properly sustained and the bill dismissed by the lower court, and that its action should be affirmed by this court.

THE POWER AND DUTY OF CONGRESS IN RESPECT OF GUARDIANSHIP DOES NOT END WHEN THE INDIAN ATTAINS CITIZENSHIP.

The amendment of the bill herein by inserting the averment that the complainant is a citizen of the United States indicates that some importance is attached to that fact in connection with the questions to be decided. Some of the Chippewa Indians have become citizens of the United States, but many have not as yet attained that dignity. The change of condition in this direction does not alter their relationship to the Government in respect of their common or

tribal property. That still remains as before to be protected, managed, and administered by the Government. The status of citizenship is not incompatible with membership in an Indian tribe nor with wardship. This has been held in many cases, among which are *Eells* v. *Ross* (64 Fed. Rep., 417, 420); *Beck* v. *Flournoy Live Stock Co.* (65 Fed. Rep., 30, 35); *United States* v. *Flournoy Live Stock Co.* (69 Fed. Rep., 886, 891); *Farrell* v. *United States* (110 Fed. Rep., 942); *State* v. *Columbia George* (65 Pac. Rep., 604); *Cherokee Nation* v. *Hitchcock* (187 U. S., 294, 308), and *United States* v. *Rickert* (188 U. S., 432).

In *Farrell* v. *United States* (*supra*) the court, in discussing the status of an Indian who has become a citizen of the United States by virtue of having received an allotment under the act of February 8, 1887 (24 Stat., 388), said (p. 950):

> Neither the act of 1887 nor any other act of Congress or treaty with these Indians required those who selected allotments and received patents and the privileges and immunities of citizenship to sever their tribal relation, or to surrender any of their rights as members of their tribes, as a condition of the grant, so that after their allotments, as before, their tribal relation continued. * * *

In *State* v. *Columbia George* (*supra*) the Supreme Court of Oregon, having a similar question presented, said:

> It would seem therefore that citizenship, such as extends, within the purview of the

> Dawes Act [general allotment act], to Indian allottees, is neither inconsistent nor incompatible with the status of a tribal Indian; that the Government, while it has bestowed citizenship, has not thereby relinquished the guardianship of the tribes, indulging them yet a little while, but with greatly restricted authority, in their primitive government; and until the General Government has taken its hands off and relinquished supervision over its Indians, the State courts can not assume jurisdiction touching the criminal acts of one against another.

Hitchcock v. *Big Boy* (22 App. D. C., 275) involved the question as to the right of the Government to exercise the functions of a guardian over Indian citizens in respect of property received from the United States, and to place restrictions upon its use. The court asserted the authority to impose restrictions, and said:

> The matter of citizenship is an entirely extraneous thing and has nothing whatever to do with the case. The question is whether the United States have restricted, and how far they have restricted, the use of the property which they have themselves granted. For, of course, under our theory of the respective rights of the United States and of the Indians, the lands allotted to the latter, either as tribal reservations or in severalty, are the property of the United States, and the latter may restrict the use of them by the Indians and the proceeds of sale thereof to any extent to which it is feasible to go.

In the decision of the United States Circuit Court of Appeals rendered March 21, 1906, in *United States* v.

County of Thurston et al., this question was discussed at some length. In that case a bill was presented by the United States asking that the officers of Thurston County, Nebr., be enjoined from levying taxes upon money arising from the sales of lands held in trust by the United States for heirs of deceased Indian allottees. A demurrer to the bill, apparently upon the ground that the United States had no such beneficial interest in the fund in question as to except it from taxation by the State, was sustained and the bill dismissed for want of equity by the District Court (140 Fed. Rep., 456). Upon appeal the decree below was reversed. In the course of the opinion it was said:

> In the consideration of the questions which the bill presents the assumption will be indulged that the Indians for whose benefit the proceeds of these lands are held are citizens of the United States and of the State of Nebraska. Their civil and political status, however, does not condition the power, authority, or duty of the United States to exert its powers of government to control their property, to protect them in their rights, to faithfully discharge its legal and moral obligations to them and to execute every trust with which it is charged for their benefit. (Matter of Heff, 197 U. S., 488, 509; *Buster* v. *Wright*, 68 C. C. A., 505; 135 Fed., 947; *Wallace* v. *Adams* * * * C. C. A * * *, * * * Fed. * * *, decided at this term.)

If this power of control exists as to the property of the individual it certainly does as to the property of

the tribe or community. The exercise of this power, authority, or duty is a political function resting in the political branch of the Government entirely outside the jurisdiction of the judiciary. Speaking of this authority over and control of the property of the Indians vesting in the United States, this court, in the *Matter of Heff* (197 U. S., 488, 499), said:

> It may abandon its guardianship and leave the ward to assume and be subject to all the privileges and burdens of one *sui juris*. And it is for Congress to determine when and how that relationship of guardianship shall be abandoned. It is not within the power of the courts to overrule the judgment of Congress.

It seems to be the impression in some quarters that this court in that case announced in effect that the conferring of citizenship upon an Indian relieved him and his property from the control of the Government; but we do not so read it. That case involved the exercise of police powers and involved the political rights of citizens of a State. The court expressed adherence to its decisions, especially that in *United States* v. *Rickert* (188 U. S., 432), sustaining the right of the Government to protect property held by it in trust for Indians, holding, however, that when the United States grants the privileges of citizenship to an Indian "it places him outside the reach of police regulations on the part of Congress."

The only conclusion to be drawn from a review of these various decisions of the courts is that the status of these Indians in respect of citizenship is not a factor

in determining the questions involved in this proceeding. Whatever their status as individuals may be the property rights involved are tribal or communal in character, to be administered by the Government through the political branch thereof.

LEGISLATIVE CONTROL OF PROPERTY OF WARDS.

The Indians being wards of the nation, the act of July 27, 1902, may be fully sustained under the doctrine of *parens patriæ*. For a discussion of this doctrine reference is made to Cooley's Constitutional Limitations (6th ed., p. 117, et seq.). The question came before this court in *Hoyt* v. *Sprague* (103 U. S., 613), and the court, after asserting that the legislative power extended to the regulation and management of minors' estates and that such laws had been frequently passed in almost every State in the Union, and had received the sanction of the Supreme Court and other courts of high authority, said:

> * * * The exercise of this power has been most conspicuous in that class of cases in which the legislature has been called upon to act as *parens patriæ* on behalf of lunatics, minors, and other incapacitated persons. Laws authorizing the sale of the estates of such persons have frequently been passed and have been upheld as fairly within the legislative power. The passage of such laws is not the exercise of judicial power, although by general laws the discretion to pass upon such cases might be confided to the courts. But when it is not confided to the courts the power exercised is of a legislative

> character, the legislature making a law for the particular case. In some modern constitutions the exercise of this power has been prohibited by the legislative department. But where not so prohibited, and where it has never been authoritatively condemned in the jurisprudence of the State, we can not deny to the legislature the right to exercise it in those cases in which it has been accustomed to be exercised, among which, we think, the present case may be fairly reckoned. Such laws are not judgments upon any person's rights, but they confer powers upon the exercise of which judgment may afterwards be given.

The doctrine has also been discussed by many of the supreme courts of the various States. See *Rice* v. *Parkman* (16 Mass., 326); *Louisville, etc., R. R. Co.* v. *Blythe* (30 Am. State Rep., 599 [Miss.]); *Henderson* v. *Dowd* (116 N. C., 195); *Davidson* v. *Johannot* (7 Metcalf, 388); *Cochran* v. *Van Surlay* (20 Wend., 365). That the doctrine of *parens patriæ* is recognized in this country as vested in the supreme legislative power under whose jurisdiction the incompetent may come, is shown in *Wheeler* v. *Smith* (9 How., 55, 77); *Fontain* v. *Ravenel* (17 How., 369, 384), and *Mormon Church* v. *United States* (136 U. S., 1, 57). These Indians are living within the geographical limits of the United States; are not subject in their tribal capacity to the jurisdiction or control of any State; they can not protect themselves or their property, and are clearly of that class of persons whose rights and interest must be protected and controlled by the sovereign authority

under whose jurisdiction they come as *parens patriæ*. As already shown they are wards of the Government; therefore the prerogative of *parens patriæ* of these Indians is lodged in Congress and that body has not seen fit to delegate the exercise of these powers to any judicial or other body. The act of June 27, 1902, was clearly within the general scope of the power of Congress in the exercise of this prerogative and the courts can not pronounce it void or inquire whether it accords with their ideas of justice.

AN ACT OF CONGRESS MAY SUPERSEDE A TREATY.

The theory upon which this bill is presented is that by the agreements of relinquishment made under the provisions of the act of January 14, 1889, the Indians secured a vested right to have the conditions upon which those relinquishments were made fully and exactly performed in the manner therein prescribed. This theory has no good foundation. The agreements whose sanctity is so strenuously urged can have no greater force than did treaties with the various Indian tribes made prior to the act of 1871. That the provisions of a treaty may be varied or annulled by a subsequent act of Congress has been declared by this court every time the question has arisen. The general rule was laid down in *Head Money cases* (112 U. S., 580, 597–599); *Whitney* v. *Robertson* (124 U. S., 190, 194); *Botiller* v. *Dominguez* (130 U. S., 238, 247); *The Chinese Exclusion case* (130 U. S., 581, 602); *Horner* v. *United States* (143 U. S., 570, 578); and *Barker* v. *Harvey* (181 U. S., 481, 488). The first

case in which the doctrine was applied to Indian treaties is the *Cherokee Tobacco case* (11 Wall., 616, 621). There a law had been passed by Congress declaring that the internal revenue laws should be held to extend to the taxed articles produced anywhere in the exterior boundaries of the United States. It was claimed that this provision did not have operation in the Cherokee Nation because in conflict with the provisions of a prior treaty of 1866. The court recognized the fact that the repugnancy was clear, and that the two provisions could not stand together, but held that the earlier treaty must yield to the later law. After referring to the cases of *Foster* v. *Neilson* (2 Pet., 314), *Taylor* v. *Morton* (2 Curtis, 454), and *The Clinton Bridge* (1 Walworth, 155) as supporting the general proposition that a treaty may supersede a prior act of Congress, and that an act of Congress may supersede a prior treaty, the court said:

> * * * In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed for them. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under considera-

> tion the act of Congress must prevail as if the treaty were not an element to be considered. If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is to be presumed, will promptly give the proper relief.

The doctrine is also recognized in respect of treaties with Indians in *United States* v. *Old Settlers* (148 U. S., 427, 468); *Spalding* v. *Chandler* (160 U. S., 394, 405–406); *Ward* v. *Race Horse* (163 U. S., 504, 511); *Thomas* v. *Gay* (169 U. S., 264, 270–271); *Stephens* v. *Cherokee Nation* (174 U. S., 445, 483); *United States* v. *Choctaw Nation* (179 U. S., 494, 532); *Lone Wolf* v. *Hitchcock* (187 U. S., 553, 566). The statement of the doctrine was in almost every instance followed by a declaration to the effect that any questions which may arise are beyond the sphere of judicial cognizance. Many of these statements are specifically referred to and quoted hereinafter.

ESTABLISHED PRINCIPLES APPLIED TO THE FACTS IN THIS CASE.

By the act of January 14, 1889 (25 Stat., 642), the lands to which the Indians relinquished their right of occupancy were to be classified as "pine lands" and "agricultural lands," the timber on the pine lands to be appraised and those lands to be sold at not less than the appraised value of the timber; the agricultural lands were to be disposed of to homestead settlers with the requirement of a payment of $1.25 per acre. By the act of May 17, 1900 (31 Stat., 179), commonly known as the "free homesteads act," settlers upon

agricultural lands freed from Indian right of occupancy and opened to settlement prior thereto were relieved from any payment except the usual and customary fees. This could not, however, have any effect upon the questions involved here, because in said act is a proviso: "That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States." The proceeds of the sales, after paying expenses, were to be deposited in the Treasury of the United States to the credit of the Chippewa Indians as a permanent fund. This act of 1889 was amended by the act of June 27, 1902 (32 Stat., 400), the constitutionality of which is attacked in this proceeding, whereby it was provided that the merchantable pine timber on the pine lands should be sold at public auction and that after the timber had been removed therefrom those lands should be classified and disposed of as agricultural lands. No change was made in respect to the disposition of agricultural lands and no change was made as to the disposition of the money arising from the sale of the timber and lands. It was, however, further provided that in cutting the timber on 200,000 acres of pine land, to be selected on the reservations known as the Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebegoshish, to be known as "forestry lands," the purchaser should be required to leave standing 5 per centum of the pine timber thereon for the purpose of reforestation. It was further provided that on the

forestry lands, as soon as the timber is removed from any tract, subdivision, or lot, such tract, subdivision, or lot shall, without further act, resolution, or proclamation become and be a forest reserve the same as though set apart by proclamation of the President, in accordance with the act of Congress of March 3, 1891. There was also reserved from sale or settlement the timber and land on the islands in Cass Lake and Leech Lake, and not less than 160 acres at the extremity of Sugar Point, on Leech Lake and the peninsula known as Pine Point, on which the Leech Lake Indian Agency is now located, approximating 7,000 acres, and in addition thereto ten sections in area on said reservations to be selected in lots not less than 320 acres each, with the provision that the islands in Cass and Leech lakes, and the land reserved at Sugar Point and Pine Point peninsula, should remain as Indian land under the control of the Department of the Interior. In so far as the manner of selling the timber and lands was changed by this later act Congress was acting well within its authority as defined by the decisions hereinbefore cited. This later act in that respect was simply the exercise of the plenary power of Congress in the administration of the property of the Indians. That this change will work to the benefit of the Indians is reasonably certain. Under the act of 1889 the pine lands were to be sold with the timber standing. Lumbermen would be the purchasers because they only would be able to utilize the timber. The timber constituted the only measure of value to

these, the only probable purchasers. Under the new scheme the timber was to be first sold separately from the land. The lumbermen will be the purchasers and the measure of value will be the same as when the timber and land were to be sold together. The land will, however, remain to be disposed of as agricultural land at $1.25 per acre. The advantage to the Indians is obvious. Under the law as originally enacted the Secretary of the Interior immediately upon the sale lost control over the land and could not effectually compel the clearing off of brush and refuse resulting from the cutting of the timber. If the brush and refuse are not piled and burned the danger of fire is great, with the probable result of destruction of timber on adjacent tracts not yet sold. Under the amendatory provision the Secretary of the Interior retains control of the land from which the timber is to be cut, and may make and effectually enforce such rules and regulations as to the piling and burning of brush and refuse as will remove the danger of fire. That he has exercised this power in a salutary manner is abundantly shown by the regulations prescribed and shown in Exhibit A to the bill herein. (Record, pp. 26–27.) The amendatory provisions directing the sale of the timber on these lands separately were clearly to the advantage of the Indians, and the enactment of these provisions was a wise exercise of the power vested in Congress to administer the affairs of the Indians. But whether that power was wisely exercised can not be inquired into by the courts. As

was said in *Lone Wolf* v. *Hitchcock* (*supra*, p. 565), plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one not subject to be controlled by the judicial department of the Government. And again (p. 568):

> * * * Indeed, the controversy which this case presents is concluded by the decision in *Cherokee Nation* v. *Hitchcock* (187 U. S., 294), decided at this term, where it was held that full administrative power was possessed by Congress over Indian tribal property. In effect, the action of Congress now complained of was but an exercise of such power, a mere change in the form of investment of Indian tribal property, the property of those who, as we have held, were in substantial effect the wards of the Government. We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained.

The decisions conclusively demonstrate that as to this branch of the case the demurrer is well founded and that the bill can not be sustained.

It is equally clear that as to the other branch of the case—that is, the withholding of certain portions of the land from sale—the courts are without jurisdiction. That Congress has the power to appropriate for public purposes lands to which the Indians claim a right of occupancy has been sustained in numerous decisions. In *Missouri, Kansas and Texas Ry. Co.* v. *Roberts* (152 U. S., 114) the question was as to the effect of legislation granting a railroad right of way through an Indian treaty reservation without the consent of the Indians and without compensation. The court said:

> * * * That grant was absolute in terms, covering both the fee and possession, and left no rights on the part of the Indians to be the subject of future consideration. Though the law, as stated with reference to the power of the Government to determine the right of occupancy of the Indians to their lands has always been recognized, it is to be presumed, as stated by this court in the Buttz case, that in its exercise the United States will be governed by such considerations of justice as will control a Christian people in their treatment of an ignorant and dependent race, the court observing, however, that the propriety or justice of their action toward the Indians, with respect to their lands, is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians.

In *Spalding* v. *Chandler* (160 U. S., 394, 405–406) there was a like question as to the grant of a right of way across an Indian reservation established under a treaty, and the court said:

> The purposes of the treaty could not be defeated by the action of executive officers of the Government. (*United States* v. *Carpenter*, *supra*.) As a matter of fact, therefore, the Indian reserve continued to exist and to be used for the purposes for which it came into existence long after the President's orders of 1847. As stated, the reserve was not extinguished or the rights of the Indians to the use of the tract destroyed or curtailed by those orders, and if the reservation for public uses and for the purposes of Fort Brady made by the President's orders was valid, the operation of those orders so far as the Indian reserve was concerned was clearly postponed until after the extinguishment of the reserve either by a voluntary cession to the Government, a cessation or abandonment of the use, *or the arbitrary exercise by Congress of its power to appropriate the same*.
>
> * * * Whatever the reason, however, for the omission to make mention of the Indian reserve, *the power existed in Congress to invade the sanctity of the reservation and disregard the guaranty contained in the treaty of 1820, even against the consent of the Indians party to that treaty*, and as the requirement of the grant necessarily demanded the possession of the portion of the reserve through which the canal was to pass, the effect of that act was to

> extinguish so much of the Indian reserve as was embraced in the grant to the State for canal purposes.

The right of the Indians to have this land applied in the manner directed by the act of 1889 is not more sacred than their rights to have the provisions of the treaties involved in those cases strictly observed. If Congress had the power to deprive the Indians of the use of land guaranteed them under solemn treaties, as was held in those cases, it has the power to divert these lands to the use of the Government despite the provisions of the act of 1889. The use to which the lands and timber withheld from sale by the act of 1902 are to be devoted is a public use. The subject of reforestation of lands denuded of their timber is engaging the serious attention of the public generally and is being given careful consideration by the President and the officers within whose jurisdiction the matter comes. No objection to this legislation upon the ground that the use contemplated is not public in nature can be sustained. If any injustice shall be done by the exercise of the power thus vested in Congress, redress must be sought from the political branch of the Government. Especially in point here is the declaration in *The Cherokee Tobacco case* (11 Wall., 616, 621), where, after asserting that the provisions of a treaty with the Indians may be superseded by a later act of Congress, it was said:

> The consequences in all such cases give rise to questions which must be met by the political

> department of the Government. They are beyond the sphere of judicial cognizance. * * * If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body upon being applied to, it is to be presumed, will promptly give the proper relief.

To the same effect is a statement in *Thomas* v. *Gay* (169 U. S., 264, 270–271), where the question was as to the effect of an act of Congress upon a former treaty with the Indians, as follows:

> It is well settled that an act of Congress may supersede a prior treaty, and that any questions that may arise are beyond the sphere of judicial cognizance and must be met by the political department of the Government.

This statement is quoted with approval in *Stephens* v. *Cherokee Nation* (174 U. S., 445, 485), and the same doctrine is reaffirmed in *United States* v. *Choctaw Nation* (179 U. S., 494, 538), where the court said:

> We may repeat that if wrong was done to the Indians by the treaty of 1866, interpreted as we have indicated—and we are not to be understood as expressing the opinion that they were not under all the circumstances fairly dealt with—the wrong can be repaired by that branch of the Government having full power over the subject.

In *Cherokee Nation* v. *Hitchcock* (*supra*) the court concluded its decision in the following words (p. 308):

> We are not concerned in this case with the question whether the act of June 28, 1898, and the proposed action thereunder, which is com-

> plained of, is or is not wise, and calculated to operate beneficially to the interests of the Cherokees. The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts.

In *Lone Wolf* v. *Hitchcock* (*supra*) it was said (p. 568):

> * * * We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained.

That the presumption as to the efficacy of an appeal to the political department is well founded is demonstrated by the case of New York Indians (170 U. S., 1). Those Indians claimed that certain lands which had been granted them had been sold without their consent and to their injury. Upon presentation of the

matter to Congress their claim was referred to the Court of Claims, and the proceedings resulted in a judgment in favor of the Indians.

It may not be inappropriate to note some defects in the bill in connection with this branch of the case. The act of 1902 provides that the "forestry lands" and the ten sections reserved from sale shall be selected "by the forester of the Department of Agriculture." That officer is not made a party to the suit and the bill contains no allegation as to what action, if any, he has taken. Until the selections are determined upon by that officer, the Secretary of the Interior has no duty to perform in respect of the designation of the tracts to be brought within said provisions of the law. The complainant should show facts which justify the conclusion that action by the Secretary of the Interior is imminent to warrant injunction to restrain him. It is alleged that the Secretary of the Interior "has actually set aside and authorized the setting aside of nearly 300,000 acres of pine lands aforesaid as a perpetual forest reserve." The law is self-executing to effect the setting aside of the forestry lands, after their selection by the forester of the Department of Agriculture with the approval of the Secretary of the Interior. If by the statement quoted it is meant to aver that selections have been made, and that is the natural inference to be drawn, then the Secretary of the Interior has no further duty to perform in respect to the reservation of such lands. The bill as to these particulars is indefinite and insufficient, and therefore clearly subject to demurrer. But

even if that were not so, the fact remains that the demurrer was well taken and the bill properly dismissed, upon the ground that the subject-matter is beyond the sphere of judicial cognizance. The authorities cited and quoted from speak in no uncertain tone, and are, we submit, conclusive. Under them the act of June 27, 1902, must be held constitutional, as being a valid exercise of the power vested in Congress. They leave no reason or excuse for appealing to the rule that "every possible presumption is in favor of the validity of a statute," and where the constitutionality of a law is questioned every doubt must be solved in favor of its validity.

APPELLANT'S CONTENTIONS.

While it is believed that all the points presented and discussed in the brief and argument of appellant's counsel have been considered in the preceding pages and perhaps sufficiently commented upon to put before the court our views, it may not be inappropriate to again specifically refer to some of them and point out wherein we believe the conclusions reached by appellant's counsel are erroneous and to indicate why we consider certain other points presented by him unimportant because of being wholly impertinent and irrelevant to the issue presented here. As admitted by appellant the ultimate title to lands occupied by Indians has been and is in the United States. The ordinary Indian right is that of occupancy and that is the only right these Indians ever had in these lands. The policy involved in the legislation looking to the

extinguishment of this occupancy right of the Chippewa Indians was not at all a new policy. The course pursued was the ordinary one of negotiation. This method has been usually resorted to although the Government might, by direct legislation without consulting the Indians, have terminated this right of occupancy.

These lands were not as asserted by appellant's counsel "private property of appellant and said others." This point has been sufficiently discussed in other portions of this brief.

Under the heading "Law of Forest Reserve," counsel refers to various laws relating to forest reserves and arrives at the conclusion that because those laws provide "that forest reserves must be taken from public lands," these lands could not be taken for that purpose. The argument must be that if Congress once legislates upon a subject it is forever thereafter foreclosed from other action on the same subject. The statement of the argument carries its own complete refutation. It is, moreover, absolutely unncessary to examine the laws thus referred to because it is not alleged that there is any intention of creating a forest reserve on these lands under authority of any general provision of law relating to such reserves, and the act of 1902 does not direct that. It might be admitted for the purpose of this discussion that the President would not have authority under the act of March 3, 1891 (26 Stat., 1095, 1103), to include these lands in a forest reserve, but such admission would be of no assistance in determining any question involved

here. The provisions of the act of 1891 and of all previous acts referred to in appellant's argument are wholly irrelevant and should not have been referred to as having any bearing in this case. Congress has directed that a part of the lands which have been relieved of the Indian right of occupancy shall be made a forest reserve, and the only question is as to the authority to so direct. That there is such authority is, we submit, clearly sustained upon principle and by the decisions of this court referred to and quoted from elsewhere herein.

As to the general proposition that an Indian may sue in the Federal courts, it is only necessary to say that it is not raised here. We contend that this suit is not brought by or upon authority of the proper party complainant and counsel has made no effort to refute that contention.

Under the heading "Enabling Act," counsel for appellant refers to and quotes from the decision of this court in *Minnesota* v. *Hitchcock* (185 U. S., 373). That decision simply holds that a third party can not intervene in dealings between the Government and the Indians to defeat the provisions of an agreement between them and that the Indians' rights in these lands had not been so unconditionally destroyed as to allow the State to claim them under a grant of public lands. This decision is not in anywise in conflict with both earlier and later decisions asserting the power of Congress to deal as it deems wise and proper with the Indians and their property. The effort to distinguish this case from *Cherokee Nation* v. *Kansas Ry. Co.* (135 U. S., 641); *Stephens* v.

Cherokee Nation (174 U. S., 445); *Barker* v. *Harvey* (181 U. S., 481), and *Lone Wolf* v. *Hitchcock* (187 U. S., 553), is not successful because, if for no other reason, it involves the false premise that the rights involved here are not tribal rights. The relationship of the United States to these Indians in respect of these lands is in nowise different from its relationship to other Indians generally who have ceded their occupancy rights with the provision that they are to receive the proceeds of the lands. The execution of any trust assumed in respect of Indians or their property rights is a matter for Congress alone to determine, and it is not subject in respect thereof to the direction, of the courts. If the Indians have cause of complaint they must seek their remedy in the proper forum, which is the political branch of the Government.

The points made by appellant's counsel under the heading "United States holds as trustee" are wholly irrelevant. The duties of the United States, whether it be considered trustee or guardian, are to be performed by the political branch, and, as we believe is conclusively shown elsewhere herein, are entirely without the jurisdiction of the judiciary.

Under the heading "Act Unconstitutional," appellant's counsel says (brief, p. 16):

> It is not necessary to argue here the question of due process of law or just compensation, for the reason that appellant and said others are deprived of this property and said rights without any compensation therefor, or any process of law, but simply by an act of Congress.

Due process of law does not always involve a hearing before and a determination by a judicial tribunal. An act of Congress may constitute due process of law. Discussing this phrase an eminent authority says (Cooley's Constitutional Limitations, 6th ed., p. 434):

> Due process of law in each particular case means such an exertion of the powers of Government as the settled maxims of law permit and sanction and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.
>
> Private rights may be interfered with by either the legislative, executive, or judicial department of the Government. The executive department in every instance must show authority of law for its action, and occasion does not often arise for an examination of the limits which circumscribe its powers. The legislative department may in some cases constitutionally authorize interference and in others may interpose by direct action.

Continuing, counsel for appellant says:

> It may be said that if the foregoing contentions are admitted, the court nevertheless is without power to give direction to the United States, which is a trustee holding these Indian lands and the funds derived therefrom as property of appellant and said others and for their use.
>
> It would seem that if the court is without power or unwilling to give orders to said trustee to further administer said trust, it can and ought

> to enjoin the defendant herein from further executing or attempting to execute said act of June 27, 1902, and on the ground that said act is unconstitutional and void, and require accounting.

This is a clear admission of the inherent weakness of complainant's position. After substantially admitting the court has no power to give direction he suggests that even if without power in the premise, yet it should do that which would involve the exercise of power. The incongruity is so apparent that comment is unnecessary.

IN CONCLUSION.

It is alleged that the law in question will work an injury to the Indians. Even if this be true, the injury would be one remediable otherwise than by the process of injunction. We believe, however, that an analysis of the facts set forth in the bill justifies the conclusion that no injury to the Indians will result from said law, but that the execution of the provisions thereof will prove a decided benefit to them. That the result will be beneficial to the Indians may not be demonstrable to a mathematical certainty, but the facts set forth followed to their logical sequence lead to that conclusion. Under the amendatory provisions the Indians will certainly receive as much for the timber to be sold from the "pine lands" as they would have received had those lands been sold with the timber thereon under the act of 1889, the bids in either case being necessarily made upon the value of the timber alone. This conclusion logically results from the appli-

cation of recognized business principles to the existing conditions. After the sale of the timber the land remains to be disposed of as agricultural land at $1.25 per acre. As to the 200,000 acres of forestry lands there will be realized from the sale of the timber all that would have been realized from the sale of land and timber under the act of 1889, except, perhaps, the 5 per centum of timber which is to be reserved from sale. The bill alleges that there are 600,000 acres of pine timber on the four reservations—the Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebegoshish—reasonably worth $10,000,000. The value of the timber reserved from sale (5 per centum) on the 200,000 acres of forestry lands would therefore be $166,000. The increased receipts from 400,000 acres by the sale of the timber and land separately under the act of 1902, over what would have been received for the land with the timber standing thereon, under the act of 1889, will be the amount to be realized from the sale of lands after the timber is removed, which is $1.25 per acre, or $500,000. Instead of suffering irreparable injury by reason of the amendatory act of 1902, it seems reasonably certain that the Indians will be greatly benefited thereby. It is clear that the facts alleged do not entitle the Indians to the relief prayed for, or to any relief.

It has happened that in recent years frequent and persistent efforts have been made to persuade the courts, and especially those of the District of Columbia, to take cognizance of matters purely political in their nature and usurp the functions of Congress, and to control the

Executive Department in dealings with the Indians through the extraordinary writs of mandamus and injunction. Sometimes the trial courts have given favorable consideration to such proceedings. In most instances the trial courts have refused to interfere, upon the ground of lack of jurisdiction, and in every case taken to an appellate tribunal the final decision has been a disavowal of jurisdiction.

One among the earliest of these cases was that of *Lone Wolf* v. *Hitchcock*, brought in the supreme court of the District, wherein the complainants, claiming to be duly authorized thereto by their tribe, sought to enjoin the defendant, as Secretary of the Interior, from carrying into effect an act of Congress, upon the ground that said act was unconstitutional and void in that it deprived the Indians of valuable property rights without their consent and to their irreparable injury. It will be noticed that the claims made here are strikingly similar to those made there. Upon demurrer the injunction was refused and the bill dismissed, upon the ground that the subject-matter being dealings between the Government and the Indians was outside the sphere of judicial cognizance. Upon appeal, that decision was affirmed by the Court of Appeals of the District of Columbia in a well-considered and logical decision (19 App. D. C., 315). Upon further appeal this court affirmed that decision. (187 U. S., 553.)

In *Cherokee Nation* v. *Hitchcock* it was likewise sought to prevent by injunction the execution of an act of Congress alleged to be unconstitutional in that it gave the defendant, as Secretary of the Interior,

power to lease certain lands of the nation, in disregard of the rights of the Indians guaranteed them by former treaties and to their irreparable injury. Upon demurrer the injunction was denied and the bill dismissed for lack of jurisdiction in the courts over the matter. That decision was affirmed by the Court of Appeals of the District of Columbia (20 App. D. C., 185), and, upon further appeal, by this court (187 U. S., 294). The decisions in these two cases settle conclusively the proposition that dealings between the Government and the Indians are political in their nature and that the courts have no control over them or power to interfere with the political branch of the Government in respect thereto. These two decisions follow numerous prior ones, and are only the logical sequences thereof. It would seem that if ever a legal principle is to be considered settled and placed beyond the pale of further discussion, the proposition that the control of the political department over the Indians is absolute, and that any question that may arise in connection with the exercise of such authority is entirely outside the sphere of judicial cognizance, presents such a principle.

We respectfully submit that the demurrer herein was properly sustained and the bill dismissed, and that the action of the court below should be affirmed.

FRANK L. CAMPBELL,
Assistant Attorney-General.
WILLIAM C. POLLOCK,
Assistant Attorney.

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Supreme Court of the United States.

No. 247.—October Term, 1905.

Joseph Naganab, Appellant,
vs.
Ethan Allen Hitchcock, Secretary of the Interior.

Appeal from the Court of Appeals of the District of Columbia.

[May 21, 1906.]

Mr. Justice Day delivered the opinion of the Court.

In this suit a bill was filed in the Supreme Court of the District of Columbia by Joseph Naganab against Ethan Allen Hitchcock, Secretary of the Interior. Complainant brought the suit as a citizen of the United States and a member of the band and tribe of Chippewa Indians of the State of Minnesota, suing for himself and other members of the band and tribe. The bill is quite voluminous, but in substance sets out the alleged right and title of the Indians who had conveyed certain lands under the act of Congress of January 14, 1889, to the United States, to be administered for their benefit. The bill averred that under the act of Congress the Indians of the State of Minnesota had conveyed to the United States upwards of 3,555,771 acres of land, constituting certain reservations named, all of which lands and reservations were held by the United States under conveyances in trust for the benefit of the Indians; that the Secretary of the Interior had caused the lands to be classified as required by the act, and that approximately 1,500,000 acres thereof were classified as pine lands, 1,855,000 acres as agricultural lands—600,000 acres of the lands, classified under the said act as pine lands, were situated in certain reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake and Lake Winnibigoshish; that upon said last-mentioned area, there was and is growing a large amount of merchantable pine timber, reasonably worth $10,000,000. The value of the lands classified as agricultural lands to be sold under said act for $1.25 per acre is $2,318,750. And it is averred that it is the right of the Chippewa Indians to have certain of the lands sold, the proceeds to draw five per cent interest for fifty years, and the interest money to be used for the benefit of the Indians as provided in the act, and at the expiration of the fifty years the balance of the principal sum remaining to be paid to the Indians.

The complaint is of the act of June 27, 1902, amendatory of the act of January 14, 1889. It is averred that at the time of the passage of the

latter act there yet remained 600,000 acres of pine lands, and 200,000 acres of agricultural lands, which ought to be disposed of in pursuance of said trust in favor of the Indians; that the pine lands are worth upwards of $10,000,000, and the agricultural lands $1.25 per acre; that without the consent of the Indians a portion of the pine lands were set off as a forest reservation, the timber on this land being of the value of $3,000,000; that the rules and regulations prescribed by the Secretary of the Interior for the selling and removal thereof would reduce the value of the pine timber to an amount exceeding $1,000,000; that the Secretary is about to sell and has advertised for sale the pine timber on 300,000 acres of said lands; that said act of June 27, 1902, if carried out, will deprive the complainant and other Chippewa Indians of the State of Minnesota of their property without compensation and without due process of law, in violation of the Constitution of the United States. The bill prays that the defendant, the Secretary of the Interior, may be temporarily enjoined from any further act or acts in execution of the act of Congress of June 27, 1902; that he be required to execute the trust in favor of the Indians, and account to the complainant, as required by the act of January 14, 1889, and for general relief.

The defendant demurred on three grounds, viz: 1. That there is a defect of parties complainant. 2. That the bill is bad in substance, in that it does not set out any facts sufficient to entitle the complainant or the real party in interest, the Chippewa Indians of Minnesota, to the relief prayed for, or to any relief. 3. That the court has no jurisdiction over the subject matter of the suit. The Supreme Court of the District of Columbia sustained the demurrer and dismissed the bill. This judgment was affirmed in the Court of Appeals.

It is apparent from the above statement of the allegations of the bill that the defendant Hitchcock, Secretary of the Interior, has no interest in this controversy and that it is in effect a suit against the United States to control the disposition of the lands and for an account of the proceeds of the sales of certain lands conveyed by the Indians to the United States under the act of January 14, 1889. Without considering whether the courts would have power to control the action of the Secretary of the Interior in this matter, or whether the power and authority so to do is purely political and subject to the control of Congress without judicial intervention, as was held in the Court of Appeals, we are of opinion that there is no jurisdiction to entertain this case. In respect to this question it is on all fours with the State of Oregon *vs.* Ethan Allen Hitchcock, Secretary of the Interior, and William A. Richards, Commissioner of the General Land Office, decided on April 23 of this term, not yet officially reported. That case was distinguished from *Minnesota* v. *Hitchcock*, (185 U. S. 373,) relied on here by the appellant, in the fact that in the Minne-

sota case, the jurisdiction to sue the Secretary of the Interior was sustained because of the consent on the part of the United States to be sued in respect to school lands within an Indian reservation and an acceptance by the Government of full responsibility for the result of the decision so far as the Indians were concerned. (Act of March 2, 1901, 31 Stat. 950,) In this case, as in the Oregon case, the legal title to all the tracts of land in question is still in the Government, and the United States, the real party in interest herein, has not waived in any manner its immunity, or consented to be sued concerning the lands in question, and there is no act of Congress in anywise authorizing this action. Upon the authority of the Oregon case we hold that there is no jurisdiction to maintain the present suit, and the action of the Court of Appeals of the District of Columbia, affirming the decree of the Supreme Court of the District dismissing the complainant's bill, is

Affirmed.

True copy.

Test:

Clerk Supreme Court, U. S.